

CITY COUNCIL MINUTES

January 23, 2012

The Honorable Council of the City of Evansville met on regular session at 5:30 p.m. on Monday, January 23, 2012 in the City Council Chambers, Room 301 Civic Center Complex, Evansville, Indiana, with President Connie Robinson presiding. The following business was conducted.

These minutes are not intended to be a verbatim transcript. Audiotapes of this meeting are on file in the City Clerk's Office.

ROLL CALL:

Present: M^cGinn, Mosby, Brinkerhoff-Riley, Friend, Lindsey, Adams, O'Daniel, and Weaver, Robinson.

There being nine (9) members present and zero (0) members absent and nine (9) members representing a quorum, I hereby declare this session of the Common Council officially open.

PLEDGE OF ALLEGIANCE

This evening the pledge of allegiance was led by Councilman Weaver.

President Robinson: Fellow Councilmen and those in the audience, welcome to the January 23, 2012 meeting of the Common Council.

TEEN ADVISORY COUNCIL

Lauren Littlepage and Melissa Blythe.

COUNCIL ATTORNEY

John Hamilton is City Council Attorney this evening.

SERGEANT AT ARMS

There is no Sergeant at Arms this evening.

READING AND AMENDMENT OF MINUTES

Is there a motion to approve the minutes of the January 9, 2012 meeting of the Common Council as written?

Councilwoman Mosby moved and Councilman Friend seconded the motion to approve the minutes of the regular meeting of the Common Council held January 9, 2012. Voice vote. So ordered.

REPORTS AND COMMUNICATIONS

IN YOUR JANUARY 20th PACKET:

- *City Council Agenda for January 23, 2012 meeting.
- *City Council Meeting Minutes from the January 9, 2012.
- *Committee Meeting Schedule.
- *Ordinances G-2012-1, G-2012-2 and G-2012-3.
- *Resolution Docket C-2012-1.
- *Legal Aid Statistics.
- *Eastview Neighborhood Association Newsletter.

ON YOUR DESK THIS EVENING:

- *Ordinance G-2012-3

Councilwoman Mosby moved and Councilman Friend seconded the motion to receive, file and make these reports and communications a part of the minutes of the meeting. Voice vote. So ordered.

CONSENT AGENDA

FIRST READING OF ORDINANCES OR RESOLUTIONS

ORDINANCE G-2012-1 PUBLIC WORKS (McGINN) ADAMS, McGINN

An Ordinance amending Chapter 8.30 of the Evansville Municipal Code (Smoking Ordinance)

ORDINANCE G-2012-2 PUBLIC WORKS McGINN

An Ordinance to vacate certain public ways or public places within the City of Evansville, Indiana, commonly known as Carol Drive.

ORDINANCE G-2012-3 A.S.D. MOSBY

Application for Certification of Convenience and Necessity for Taxicabs. (Mighty Cab LLC.)

CONSENT AGENDA

SECOND READING OF ORDINANCES AND RESOLUTIONS

Nothing filed for Second Reading

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

Nothing filed for Third Reading

President Robinson: Tonight we have a Resolution Docket C-2012-1 honoring Mizell Stewart III and is sponsored by Councilman Adams, Councilwoman Robinson, Councilman Friend and Councilman O'Daniel. Councilman Adams, I will ask you read this into the record please. Is Mr. Stewart present tonight? Bring him in from the hallway, we would like him to hear what is being said about him. While we are waiting for him to come in, we will go ahead with Russell Lloyd Jr. will come forward for the investment report please.

Russell G. Lloyd, Jr., City Controller: Investment Report

Lloyd: Thank you Council President Robinson and Council members. I have enclosed several reports for your consideration. Part of the Indiana Code, during January I am required to provide the Common Council with an investment report. What you have in front of you is an investment summary as of December 31st, 2011. You've got a memorandum that I included just talking in general about the low interest rates that we've continued to see for the past several years. A couple statistics for the City, average investable bank balance in 2011, \$104,651,000. It's up a little from 2010 which was \$95,155,000. You saw the total interest earned: 2011 was \$284,400 versus 2010, \$381,493. Generally the finance department investment clerk, we check weekly on rates with local banks and currently .10 is our general checking account, which has the bulk of the funds and we use that to also offset item fees. We can invest anywhere from 30, 60 or 90 days. On page two of the memo I listed some of the rates that we were looking at January 17th. I've got a list of all the local banks and we also use the Indiana Pooled Investment Fund, Trust Indiana. That rate was .16, you'll see the money market rates generally .10 to .25. We are limited on our funding just because mainly we need short term funding. Although there are some restricted funds like Oak Hill Cemetery or some of the TIF funds that we can go longer than six months or a year. Some of the other attachments that I have given to you talks about the Federal

Reserve is going to make their plans more transparent so we'll see what their plans are for short term rates. There is a listing of all the Federal Reserve rates for the week ending January 13th, but you can see even like a 30 year Treasury is 2.91. Who would want to lock their money up for 30 years at 2.91 percent? That's terrible. Also, the forecast that we've seen looks like the rates are going to stay where they are in 2012, so we'll continue to have these low rates of investing. The investment break down shows you the investments that we had as of December 31st. Thirty-three million dollars and restricted funds were 30 million, operating funds 3.1 million. You'll see percentage wise, Bank of New York (sewer funds), they do daily investing and are able to hold them longer periods of time. We also have local banks. Ninety-nine percent as of December 31st are in money market funds. The last report that I've given you shows you a list by each type of fund. This shows you for each type of fund the transactions for the year. The first one is rainy day fund that you had \$3,065,000 invested in Trust Indiana. You can go on through that, you've got DMD miscellaneous grants, TIF projects, Economic Development Authority Revolving Loan, etc. That's the report. The format is the State Board of Accounts. Be happy to take any questions.

Robinson: When I see the EDA revolving loan fund, I guess you can redeem it February 4th of this year? That's the maturity date? Will that be redeemed?

Lloyd: It was redeemed 2011.

Robinson: Okay, I see that, you're right. Is that revolving loan fund, is that money that GAGE has or who operates it?

Lloyd: Economic Development Authority, I think that is a separate entity. That's different from GAGE. I can get you that information, fund Number 282.

Robinson: Any questions?

Adams: Hypothetical question Mr. Lloyd, how low would this average investable bank balance have to go before you would start sweating the solvency of the City the way South Bend did a little while ago?

Lloyd: I'm not sure, but obviously it's been in that range for the last several years. About ninety to one hundred million range.

Adams: It's been close to insolvency?

Lloyd: Oh!

Adams: I'm just trying to figure out how low this thing would have to go before we might to have to start worrying the way other cities and towns have. I know we are doing great here.

Lloyd: I know there's Moody's wants to see a certain percentage of your operating balance in your daily bank balance. I don't have that in front of me but I can find it out. I'll have that for you for the next Council meeting.

Adams: Thank you, I didn't mean to throw you a curve ball.

Friend: Concerning our report for the State Board of Accounts last year, one of the comments they made was the fact that during the year we would be upside down by as much as 10 million dollars in the general operating fund because the timing of the property taxes of when they come in. We have our boat funds inside basically the same checking account with the general operating funds. Those funds kind of make our checks good, but the balance always shows up to be as high as 10 million dollars. That was a comment made by the State Board of Accounts.

Lloyd: Well, Jenny Collins, the former controller and I sat down and talked and we went over the exceptions that the State Board had noted in our audit. I'll just have to see our cash flow going forward. I would like to eliminate all those exceptions if I can. I know we use Riverboat funds to cover the operating deficit. Property tax money comes in June and December, so running up to that date is what the problem is. I can look at that as well.

Robinson: Thank you and John Friend is going to be your Liaison with the City Council. Any other questions?

Mosby: I do have a general question. I just want it for the record. How much money did we receive in 2011 from the Riverboat?

Lloyd: Fourteen million and a hundred some thousand.

Robinson: You sent me that information that included the last four years and I forwarded it to the Council members. Does anyone have it with them tonight? Could you read those figures?

Weaver: What year would you like? 2008: \$8,159,000; 2009: \$9,350,000; 2010: \$22,864,000, but that includes a lease amendment special 10 million dollar payment, 2011: \$14,124,000.

Mosby: I did receive it but I wanted it in the minutes.

Robinson: Any other questions? Thank you Mr. Controller.

City Council reviewed the investment report and the investment policy of the City.

Robinson: Now we have the man of the hour, Mr. Stewart would you please come forward? Councilman Adams is going to read a Resolution where we would like to honor you for your services to the City.

Stewart: Thank you Madam President.

Adams:

A RESOLUTION HONORING MIZELL STEWART III

WHEREAS, Mizell Stewart III, has been the editor of the Evansville Courier-Press Newspaper since 2007; and

WHEREAS, prior to his coming to Evansville, his career included newsroom management roles at the Akron Beacon Journal, the Tallahassee Democrat and the Dayton Daily News. While serving in a corporate role for Knight Ridder, he directed coverage of the aftermath of Hurricane Katrina at the Biloxi Sun-Herald, which was awarded the Pulitzer Gold Medal for Public Service.

WHEREAS, Mizell Stewart III has consistently led the Evansville Courier-Press Newspaper to high awards and outstanding coverage of both local and regional events; and

WHEREAS, he has consistently maintained his strict journalistic impartiality throughout his entire tenure; and

WHEREAS, Mizell Stewart III has been passionately dedicated to the City of Evansville and its issues; including issues pertaining to city-county consolidation, smoke-free issues and downtown renewal; and

WHEREAS, his deep commitment to excellence and creative improvement of urban problem solutions has been an asset to the City;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Evansville, Indiana, as follows:

1. The City Council of Evansville expresses its appreciation on behalf of the City of Evansville and its citizens for all of the contributions, efforts, and accomplishments of Mizell Stewart III to make Evansville a better place.
2. The City Council extends its congratulations and best wishes to Mizell Stewart III in his new challenge as Vice President of Content for E. W. Scripps Newspaper Company in Cincinnati, and wants him to know that he will always be welcome and remembered in the City of Evansville.

Applause.

Stewart: Well, to say that this is a bit overwhelming would be an understatement. Newspaper editors are supposed to be in the back of the room with the people. This is probably the first time in a twenty five plus year journalism career that I've ever stood at a podium at a City Council meeting. I humbly thank you and I would just have to say to all of you and everyone gathered here today that any success that I have achieved personally has been the result of the hard work of the Courier and Press staff, but also the passion that the citizens of Evansville have for this community. Any passion that I display is a reflection of the commitment that the people of Evansville have for this community. It has been such an honor and such privilege to be the editor of your Courier and Press. I am pleased that in moving to a new roll with the EW Scripps Company that my relationship with Evansville will continue and that my commitment is that the Courier and Press will continue to be a strong journalistic institution for many, many years to come. Once again, thank you so much for that Resolution.

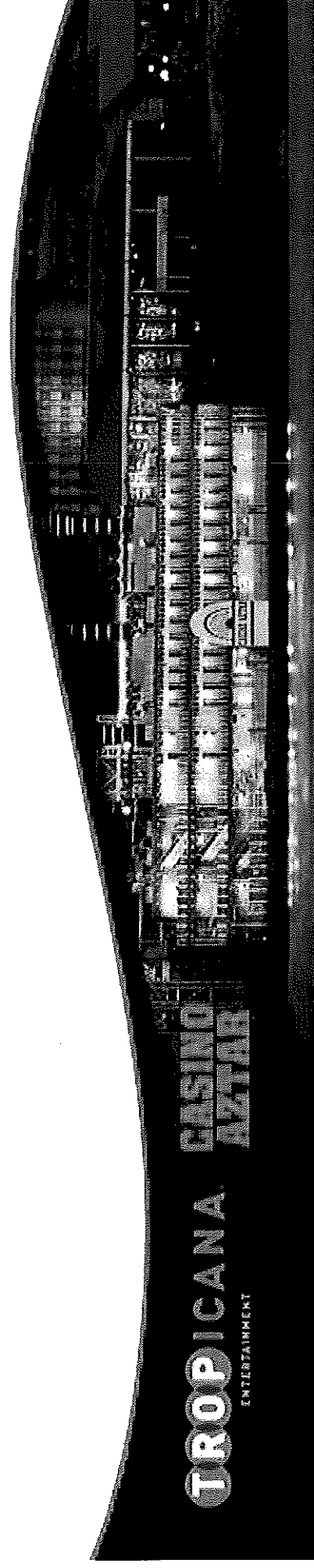
Robinson: I'm going to miss reading your editorials but I'm really going to miss seeing you Sunday mornings at 8:00 o'clock service at church.

Councilman Friend moved and Councilwoman Mosby seconded the motion to adopt Resolution C-2012-1. Voice vote. So ordered.

MISCELLANEOUS BUSINESS

There will not be a City Council Meeting on Monday, January 30, 2012 or Monday, February 6, 2012. The next City Council meeting will be Monday, February 13, 2012 at 5:30 p.m. Committee Meetings will begin at 4:50 p.m. on February 13th.

Impact of Local Smoking Ordinance on **CASINO AZTAR**



Agenda

The Facts

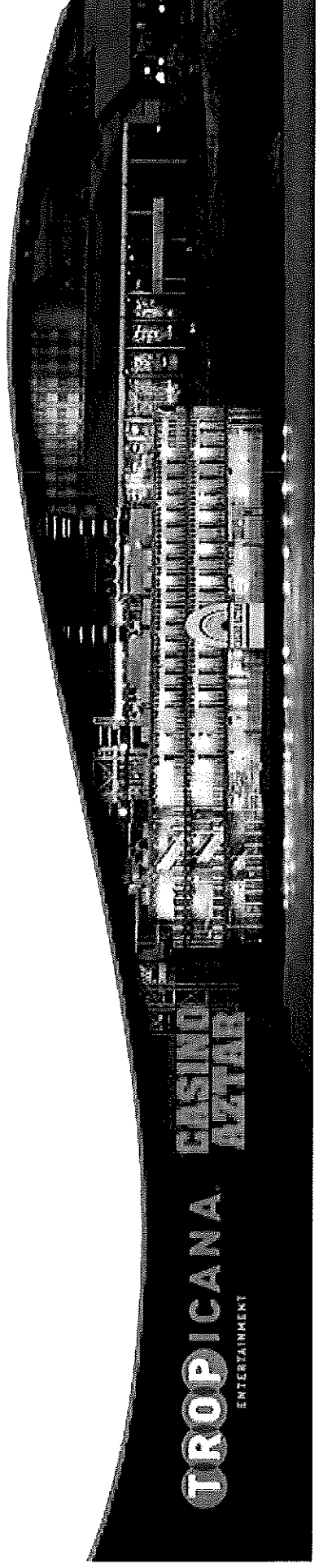
Illinois/Metropolis
Competitive Disadvantage

Casino Aztar Impact

Revenue
Employment
Property Investment/Sustainability

Community Impact

Tax Revenue
Indirect Impact Local Supplier/Vendor
Philanthropy

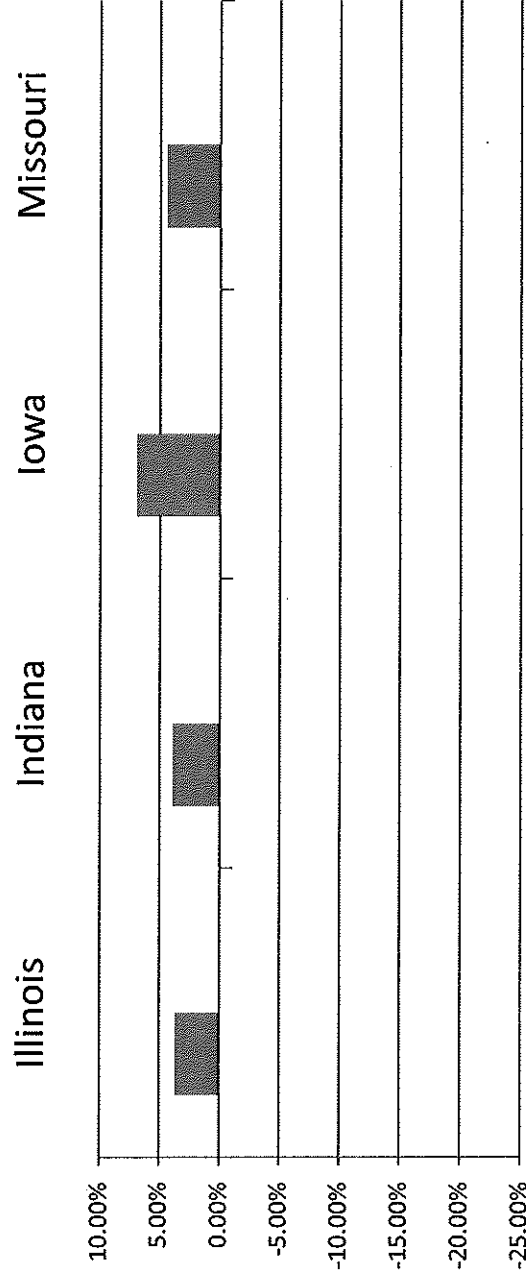


TROPICANA
ENTERTAINMENT

**CASINO
AZTAR**

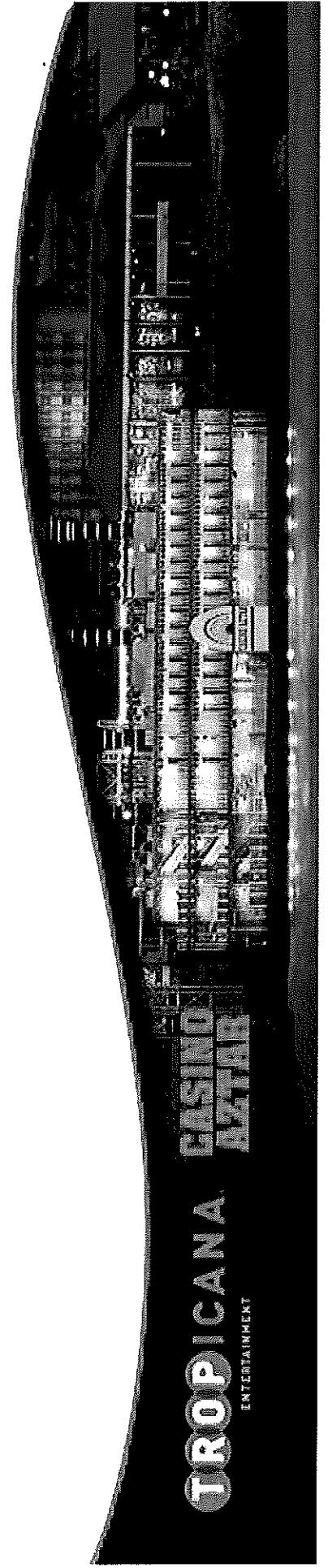
The Facts

Casino Revenue Growth



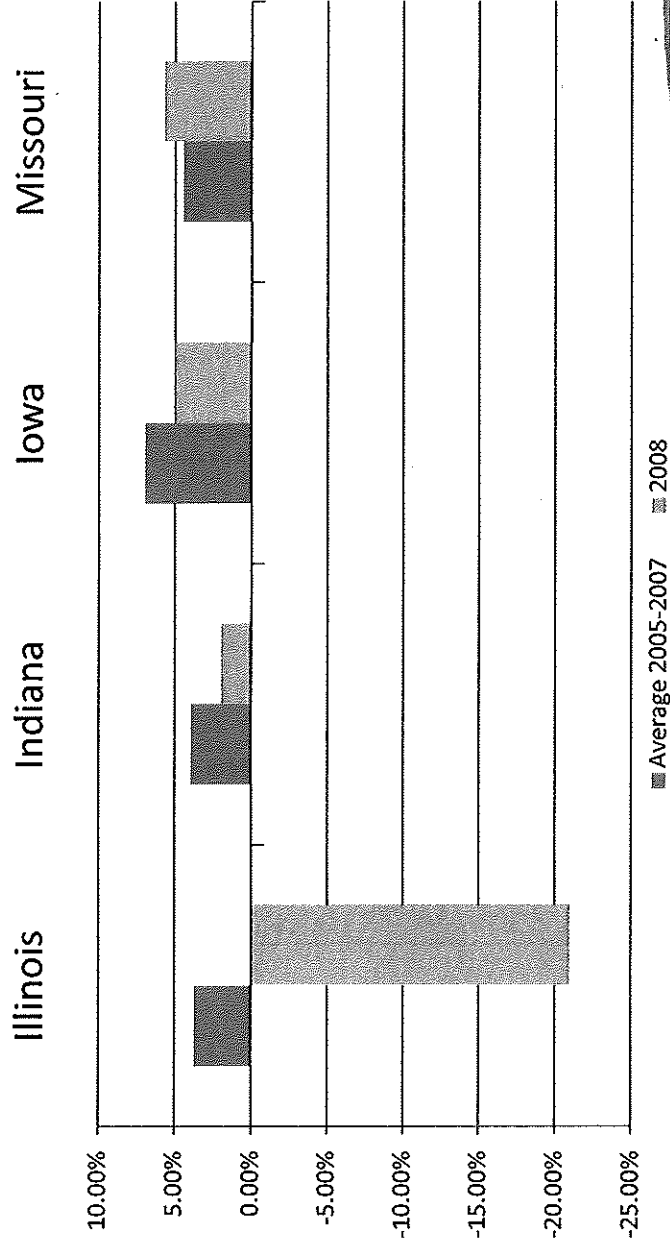
■ Average 2005-2007

*Source – Gaming
Jurisdiction websites noted
in appendix



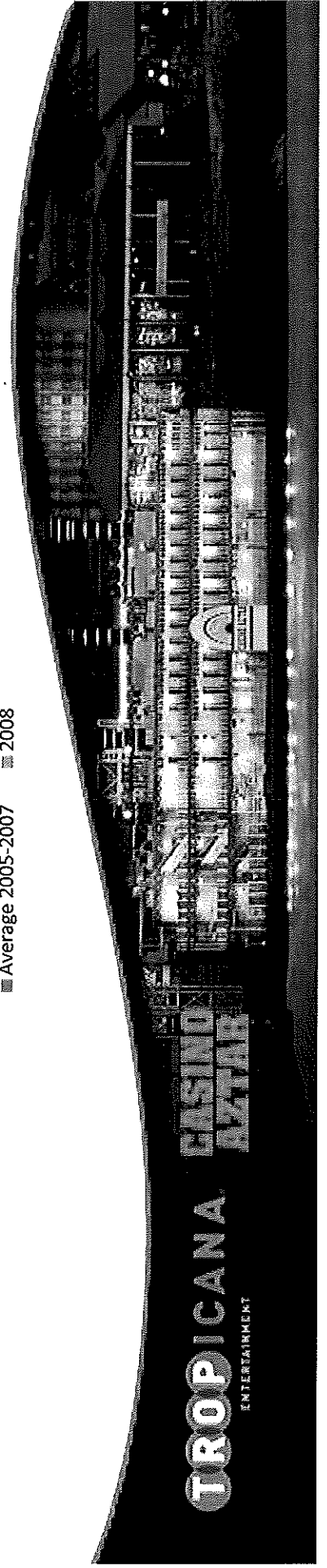
The Facts

Casino Revenue Growth



*Source – Gaming
Jurisdiction websites noted
in appendix

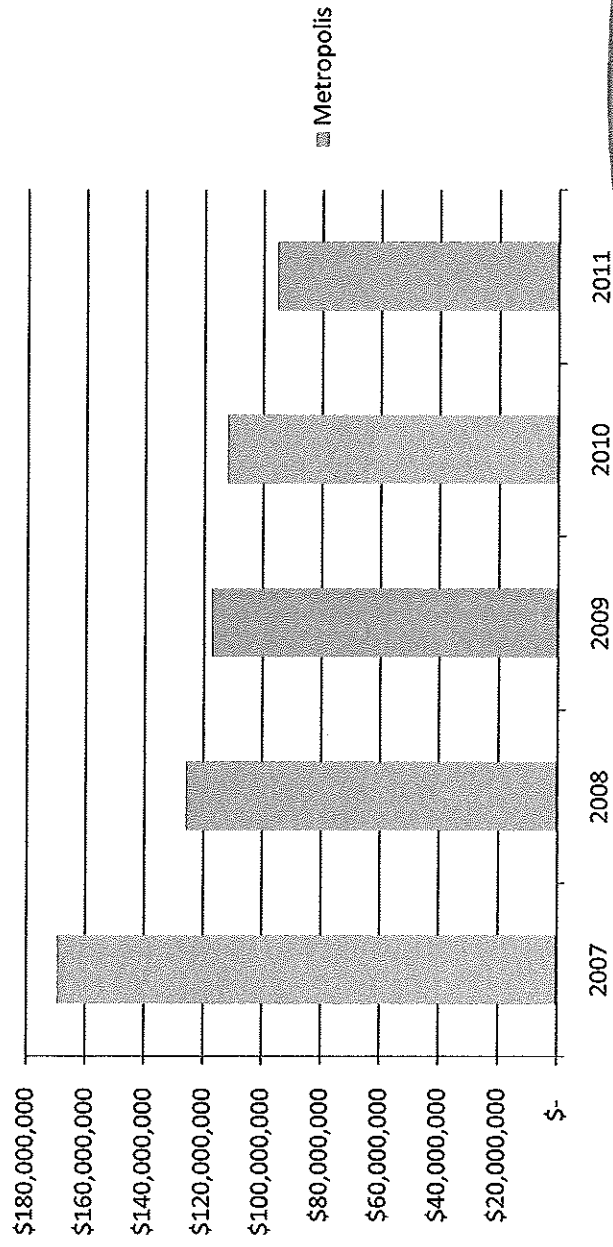
■ Average 2005-2007 ■ 2008



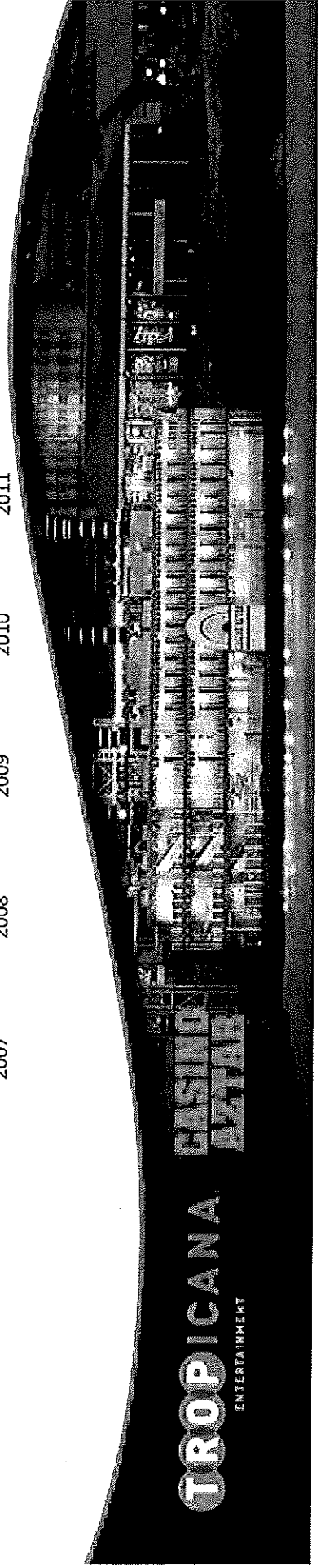
The Facts

Metropolis Illinois annual revenues since the time of the Illinois Smoking Ban*

Metropolis

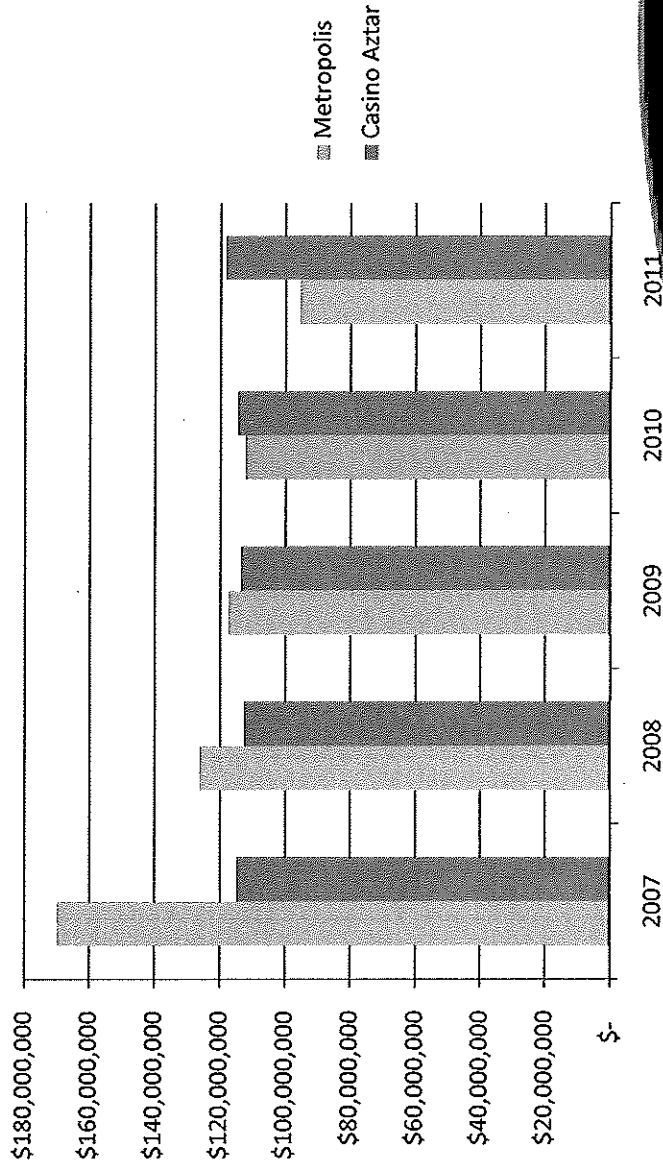


*Source Illinois Gaming
Control Board website

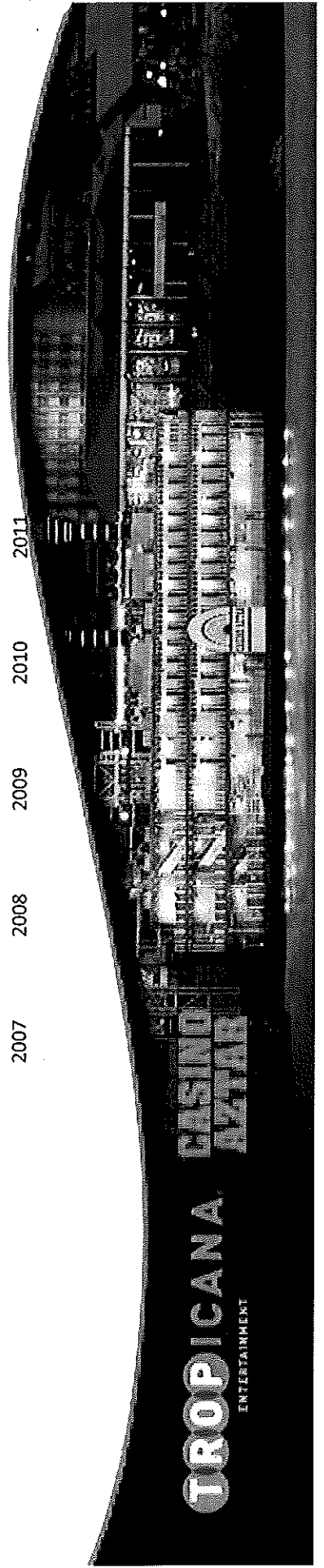


The Facts

Metropolis Illinois annual revenues since the time of the Illinois Smoking Ban compared to Casino Aztar revenues* during the same period:

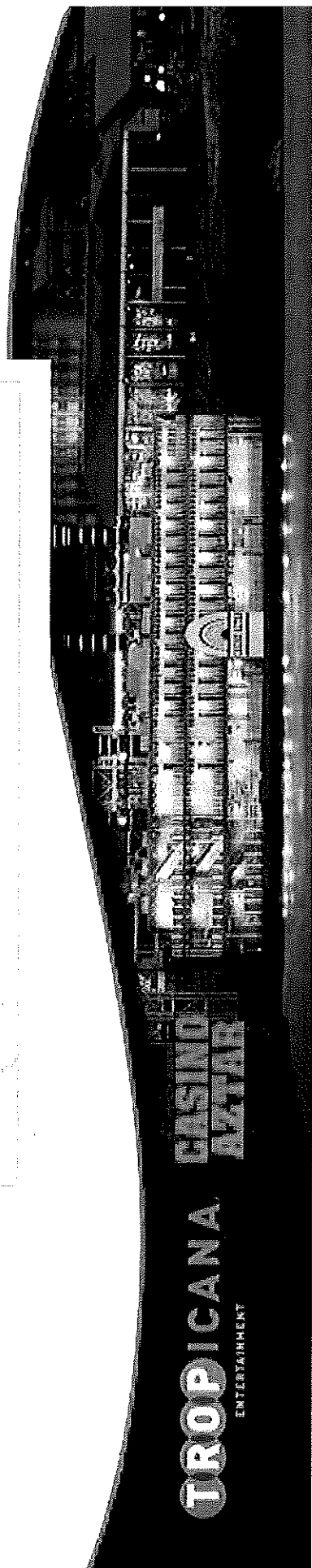
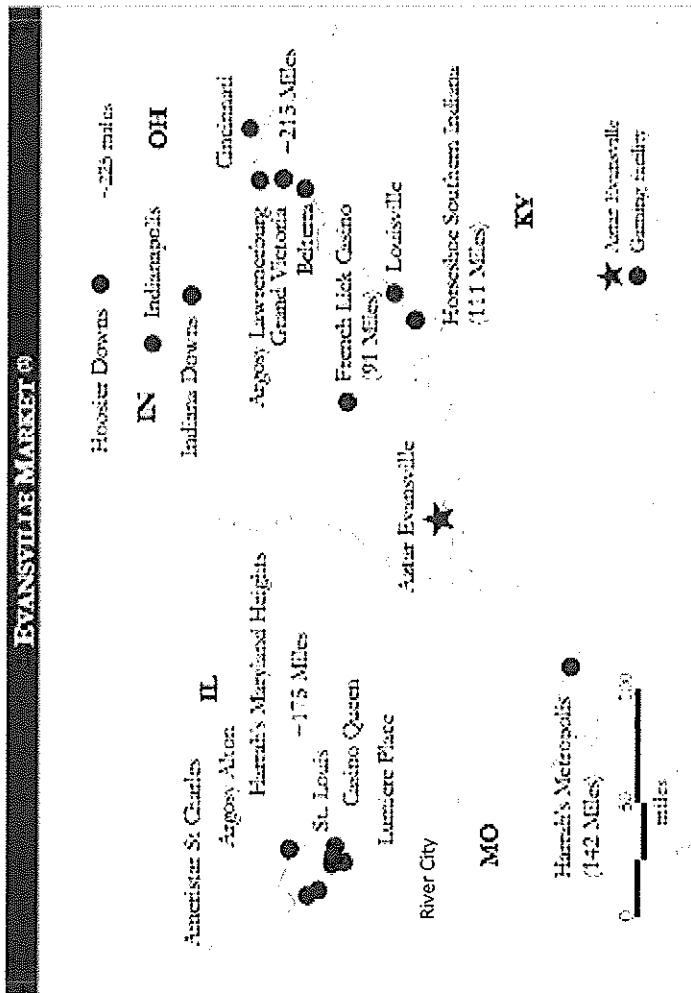


*Source Illinois Gaming Control Board and Indiana Gaming Commission websites



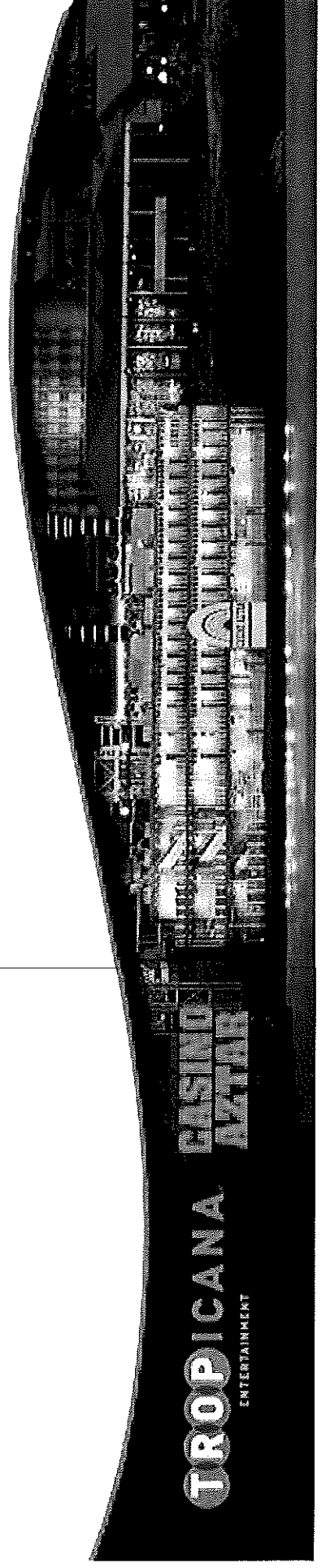
The Facts

87% of Casino Aztar patrons are outside of Evansville, IN



The Facts

- Casino Aztar just invested over \$500,000 in 2011 to improve/install new HVAC system to significantly improve air quality for all customers
- Aztar offers a complete non-smoking level of the casino... units perform over 50% volume deficit to other units on smoking levels
- Traditionally, non-smoking sections are the lowest performing zones of any casino



Casino Aztar Impact

Revenue – Employment - Indirect Local Impact - Property Reinvestment & Sustainability

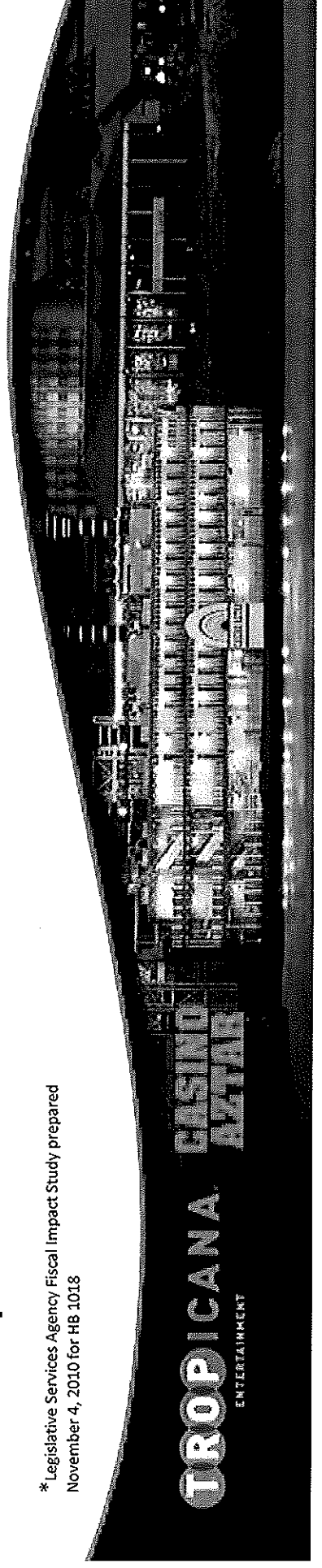
A statewide impact was forecasted to decrease gaming revenue 10-20% by the Indiana Legislative Services Agency*.

A local, isolated smoking ban at Casino Aztar only would exceed these projections.

Local smoking ban = 30% loss of revenue

A 30% loss of revenue will be devastating to Casino Aztar, our Team Members and our Community.

*Legislative Services Agency Fiscal Impact Study prepared
November 4, 2010 for HB 1018



TROPICANA
ENTERTAINMENT

**CASINO
AZTAR**

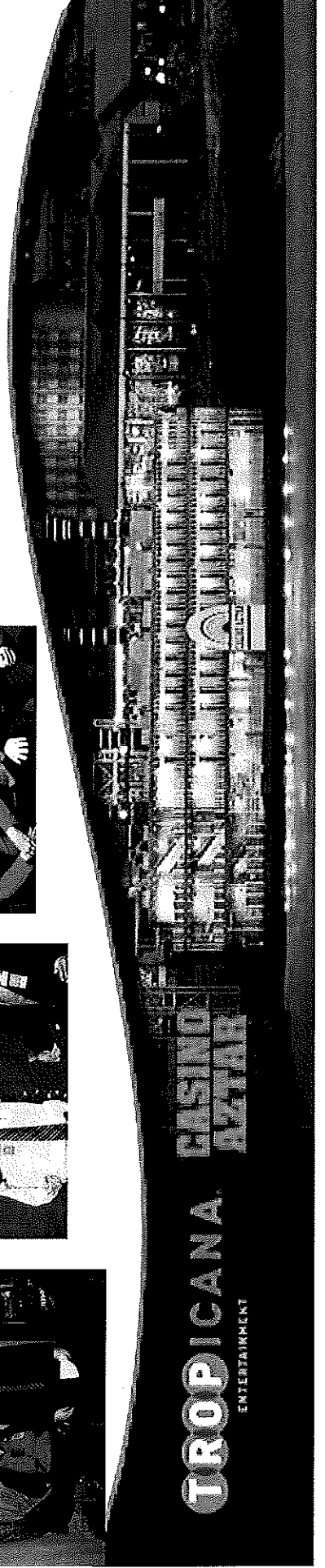
Casino Aztar Impact

Employment

Casino Aztar continues to grow its business and is currently one of the community's largest employers with more than 951 Team Members (grown from 829 Team Members in 2007).

819 employees are in Indiana with 687 from the City of Evansville. A 30% reduction to revenues will result in significant reduction to employment.

A 30% employment reduction = over 280 lost jobs or over \$6.3M in LOST WAGES annually in our community!



Casino Aztar Impact

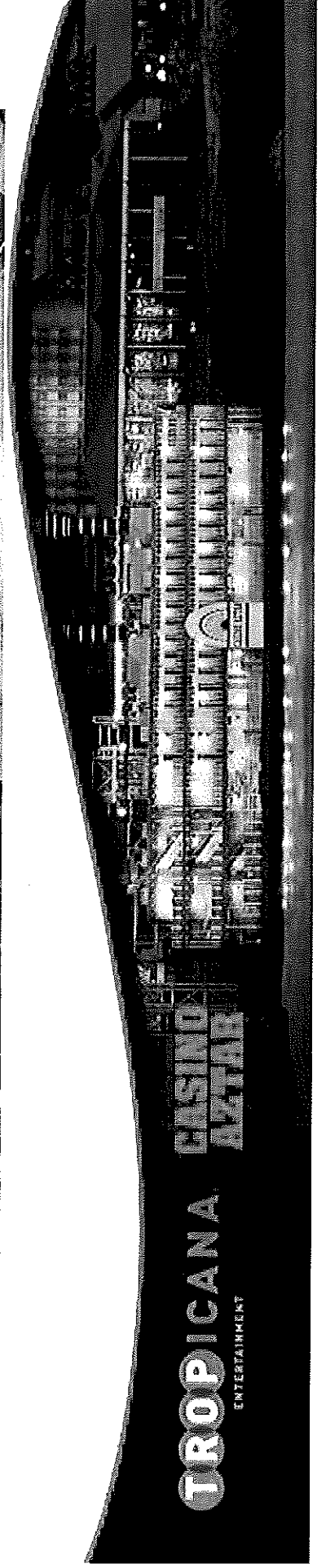
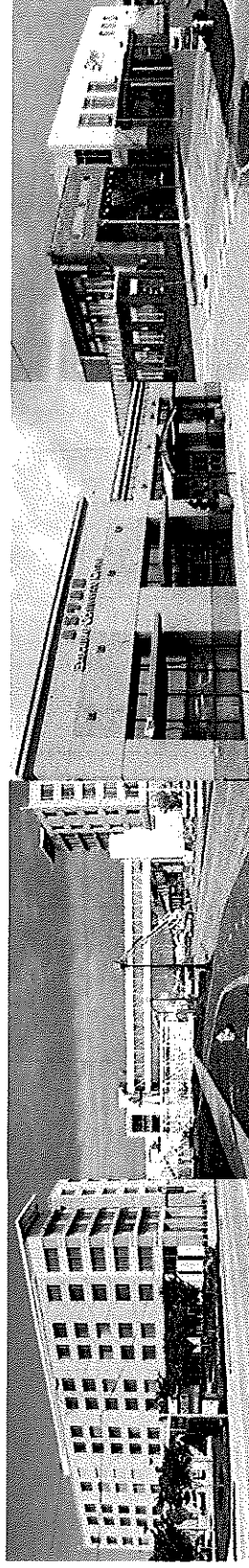
Property Investment & Sustainability

Lifetime Capital Investments

\$240,000,000

2011 Capital Investments

\$7,000,000



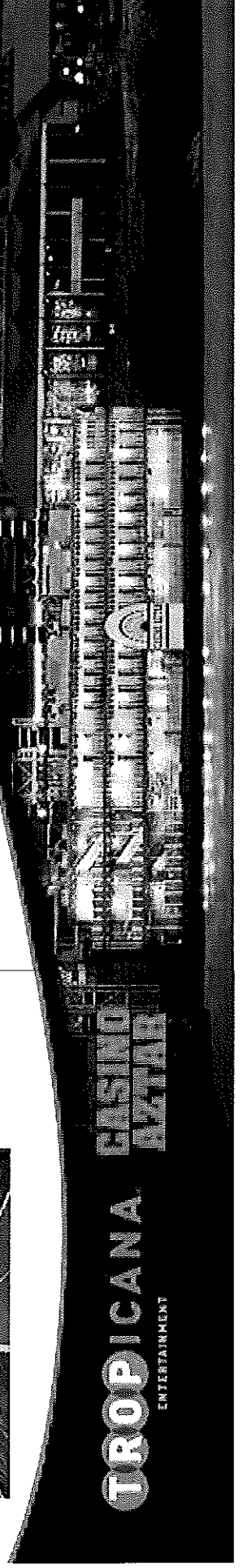
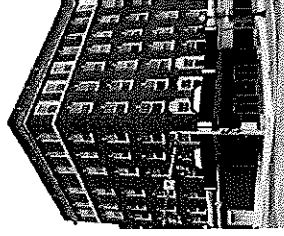
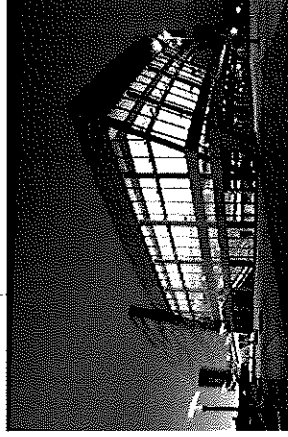
Community Impact

Tax Revenue

Casino Aztar paid over \$12M to the City of Evansville in Taxes, Rent and Incentives in the LTM.

30% reduction in Revenues = \$4.3M+ in reduced tax and lease payments

\$4.3M annual reduction to the City budget!

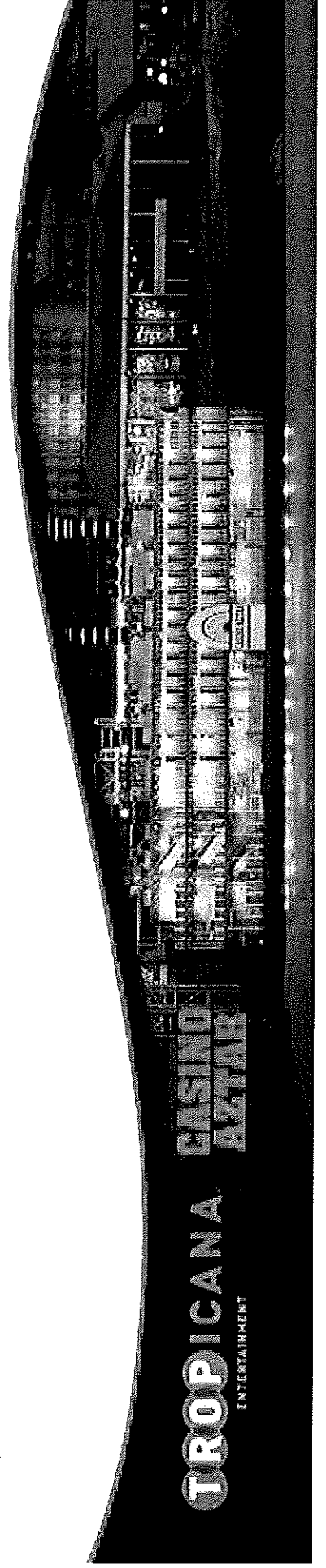


Community Impact

Impact to Local Suppliers and Vendors

Indiana MBE/WBE Suppliers	\$ 2,611,000
Evansville Suppliers	\$ 5,229,000 (39% of total spend)

30% reduction to Evansville suppliers: \$1,569,000 in lost revenue to local economy



Community Impact

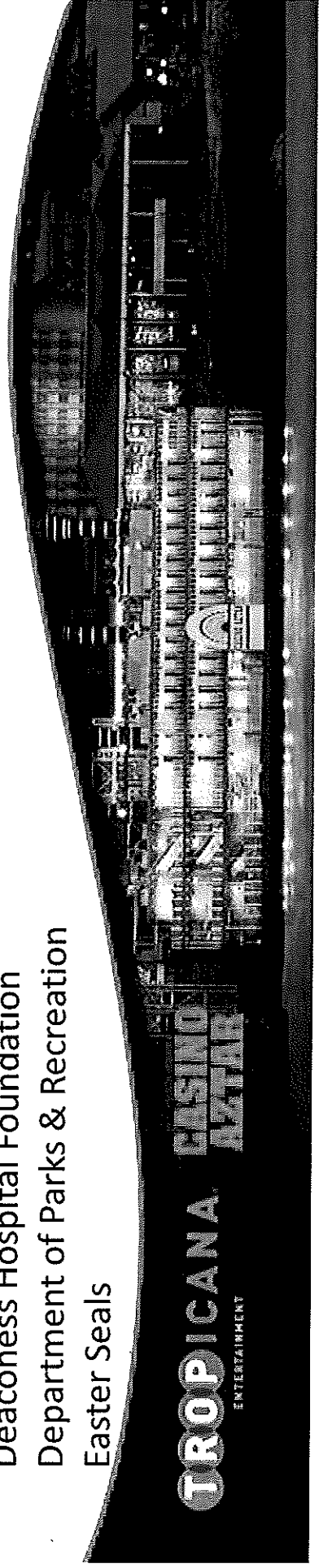
Philanthropy

Casino Aztar has contributed \$6.6M to Community Organizations & Events!

AIDS Resource Group (ARG)
Albion Fellow Bacon Center
American Red Cross of SW Indiana
American Water Works Association
Arts Council of SW Indiana
Boys & Girls Club of Evansville
Chamber of Commerce of SW Indiana
Children's Museum of Evansville (cMoe)
City County Human Relations
Commission
Deaconess Hospital Foundation
Department of Parks & Recreation
Easter Seals

Economic Development Coalition of SW
Indiana
Evansville African American Museum
Evansville ARC
Evansville Celebration of Diversity
Evansville Goodwill Industries
Evansville LST
Evansville Museum
Evansville Parks Foundation
Evansville Philharmonic Orchestra

Easter Seals



TROPICANA
ENTERTAINMENT

**CASINO
AZTAR**

Community Impact

Philanthropy

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EVSC Foundation

Funk in the City

GAGE

Hadi Shrine (Shriner's Fest)

Holly's House

Indiana Chamber of Commerce

Indiana Minority Supplier Development
Council

Junior Achievement of Southwest IN

Keep Evansville Beautiful

Leadership Evansville

Meals on Wheels

Mesker Park Zoo

Public Education Foundation

Reitz Home Museum

Ronald McDonald House

Salvation Army

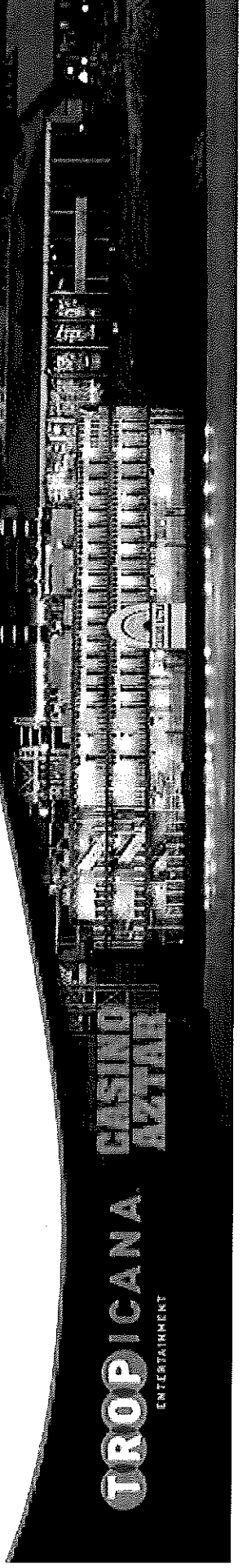
Santa Clothes Club

St Mary's Foundation

Susan G. Komen Race for the Cure

SWIRCA

Thunderbolt Pass Golf Club



Community Impact

Philanthropy

Casino Aztar has contributed \$6.6M to Community Organizations & Events!

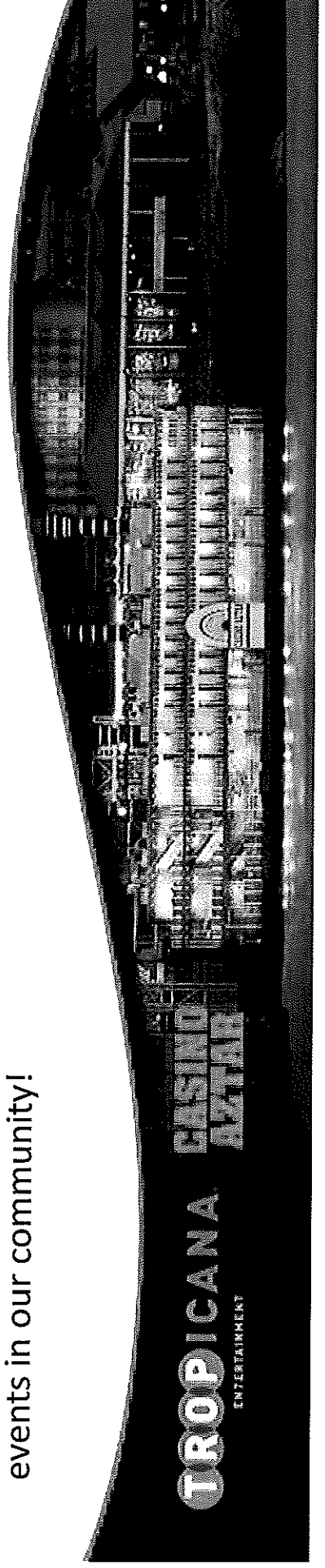
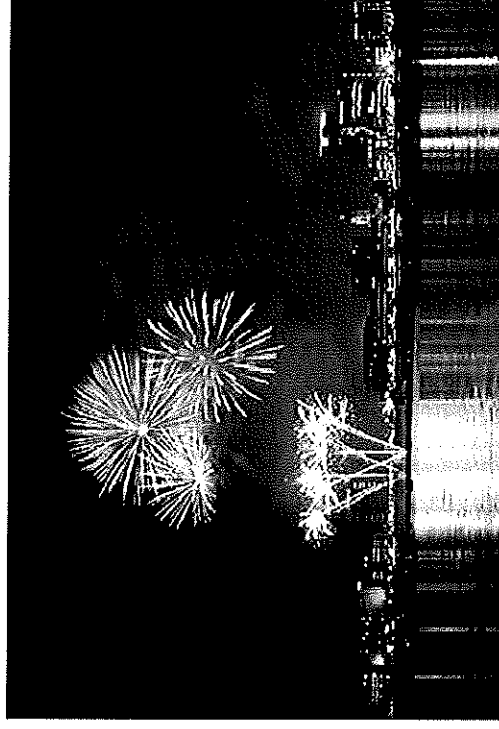
Tri-State Better Business Bureau
Tri-State Hot Stove League
Tri-State Multiple Sclerosis Association
Vanderburgh Community Foundation
Vanderburgh Humane Society
Westside Nut Club

WNIN

YMCA

YWCA

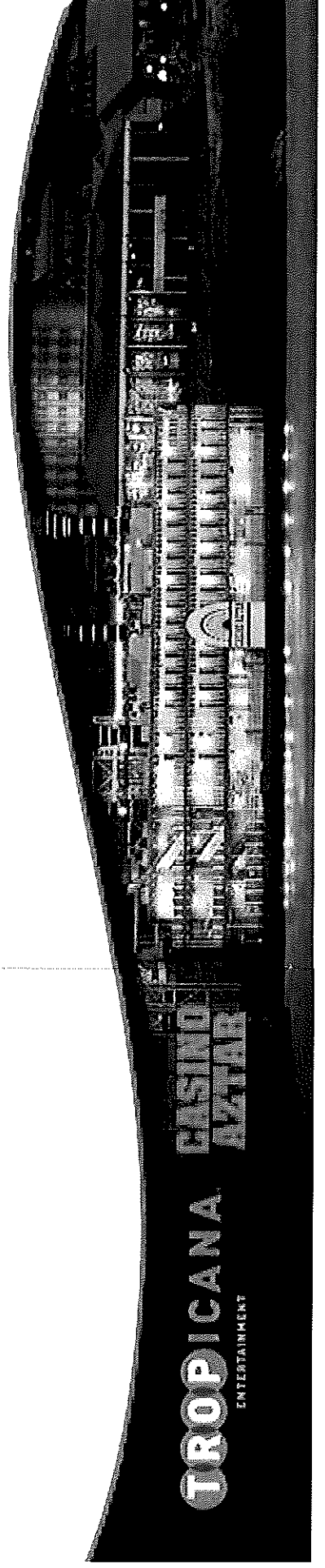
Plus, many other organizations and events in our community!



Local Smoking Ban Impact Summary

Evansville City Impact

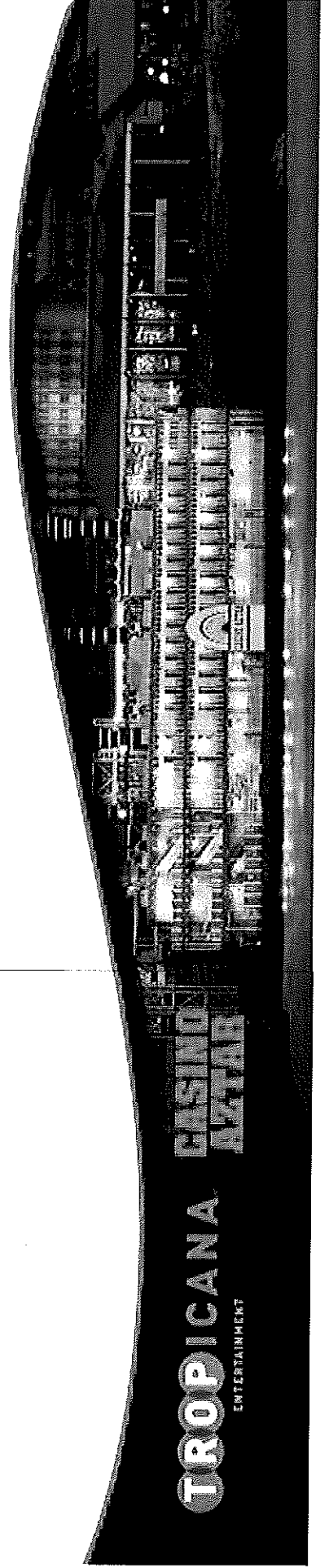
- Over 280 Jobs Eliminated!
- \$6.3M in Lost annual Wages in our Community
- \$1.5M reduction to purchases from Evansville suppliers
- \$4.3M+ annual Reduction to the City budget
- Significantly reduced contributions to Community Organizations



Appendix

Internet links to reported data sources

- <http://www.igb.state.il.us/revreports/>
- <http://www.in.gov/igc/>
- <http://www.mgc.dps.mo.gov/>
- <http://www.iowa.gov/irgc/>



Ward Shaw: AZTAR Power Point Presentation

Applause:

Robinson: Hey, I know you all love your job and I know you probably love Ward Shaw but we are going to have order in the house tonight.

Shaw: Thank you and as I am bringing this up, what a couple of folks are bringing in front of you are letters from many of our team members about 680 letters that they have written to their specific Council person. Then you also have copies of the letters written to the other Council persons and I think there are some family letters and things like that mixed in as well. As well as a copy of this presentation, so you have a hard copy.

Robinson: So these are not just the people living in my ward, these are everyone's wards?

Shaw: The ones in front are specific to you and you also have copies of the other wards as well, all together about 680 letters. Thanks for the opportunity to speak to the Council. Obviously, as the General Manager of Casino Aztar, I am here representing and to talk about our business. I am also representing our 950 plus team members at Casino Aztar and certainly here as an Evansville citizen as well. What I would like to talk to you about is a few different areas and I apologize that this is not coming up on your screen. Oh, there it is, good. When it comes to smoking ordinances like the one that's been proposed tonight, there are a lot of surveys and opinions from professors or paid surveys commissioned that talk about those smoking bans not having impact on casino gaming revenues. There are just as many that talk about their impact on casino gaming revenues. What I am not going to do this evening is, I am not going to talk about any of those paid commissions. I am only going to talk to the Council here about the facts and what has happened so you can see for yourself, what similar impacts like that would mean to the casino gaming business here in Evansville and some of the trickle-down impact on the Community as well, so let's just jump right into it.

Power Point Presentation: (see attached)

Shaw: I will be happy to answer any questions that may please the Council.

Robinson: Let me set some guidelines first please. We are going to have public comments at the next City Council meeting on February 13, 2012, because that will be the second and third reading. Tonight is only questions or comments from City Council members, from your presentation and also from the Smoke Free Gaming presentation. No public comments tonight.

O'Daniel: The first question I have, in one of the graphs you show that your revenues have essentially been flat, maybe grown a little bit over the last several years, but the revenue that has been paid into City has grown from 8 to 14 million. Why has there been, if what you say is accurate that we are paid as a percent of the revenue, why has that grown far more in excess of what your revenues have?

Shaw: Good question, the biggest reason is that two years ago in 2010 our lease was renegotiated with the City. In that lease, in addition to the one-time payment of ten million dollars, our tax structure for our lease payments changed with the City as well. They increased, so we pay on a graduated tax scale. As our revenues go up the percentage of gaming revenue

paid in each bracket of revenue is higher as well, up to a 12 percent tax rate at the higher levels. So that is why, our lease structure was renegotiated in favor of the City.

O'Daniel: The other question I have is, have you done a study on the percentage of your patrons that smoke?

Shaw: No we have not. Not anything that's of scientific in nature, only visual observations.

Robinson: Councilman Adams.

Adams: Mr. Shaw, thank you for coming tonight. Do you have a copy of your power point in this?

Shaw: Yes sir, I do.

Adams: You promise me?

Shaw: It's in there, yes.

Robinson: Any other questions from Council? Councilwoman Brinkerhoff-Riley.

Brinkerhoff-Riley: Thank you and I really do appreciate you coming and I also appreciate the couple of times that you've been willing to answer my questions and talk to me about this issue. I don't hear from you that cigarette smoke is okay, what I hear from you, frankly is that the City can't afford to ban smoking. Three quick points, will you concede Mr. Shaw that cigarette smoke is dangerous and can indeed cause cancer?

Shaw: With all due respect, I would rather defer that to people who are expert. I'm not a doctor or in the research field. As I mentioned earlier, I would rather stick to the facts and the facts as I know them. I would really rather stick to my area of expertise if that is okay. That is beyond my level of expertise.

Brinkerhoff-Riley: You don't have a personal opinion as to whether cigarette smoke is hazardous to someone's health?

Shaw: I will tell you that I'm not a smoker. Again, I would like to leave my personal beliefs out of it or whether government should tell businesses how they should or shouldn't run their businesses. I would rather just address the facts that I have presented and I believe what the facts clearly show is that in this particular business, this would be a significant business detriment because it would not be a level playing field with our competitors as opposed to say our restaurants that are smoke free. I think those are really more on the local level, they compete with other restaurants. Our Casino floor competes with other Casinos and the facts showed me and my personal expertise has been that significant business decline happens in those facilities that impose such a ban, as few as they are. I take my job responsibilities, not only to run the facility, but also the employees, a lot of our team members very seriously, so that is why it has me very concerned. I'm asking the Council to consider the gaming floor as a really different, competitive industry that we have here that doesn't compete locally. I'm not looking for an unfair advantage, I'm just looking for a competitive playing field with our competitors and other businesses that we have to go up against.

Brinkerhoff-Riley: Thank you.

Robinson: Councilman Friend.

Friend: Mr. Shaw, may I ask you, out of 951 employees that you have, how many smoke?

Shaw: I don't know.

Robinson: Councilwoman Mosby.

Mosby: Yes Mr. Shaw, I too want to thank you for the time that you spent with me and I also want to thank everyone for coming this evening. I have gone on your boat and what you have done with the air filtration really has helped a lot. I went on the smoke free level and it was like a ghost town. Again, I want to thank you for your information.

Shaw: Sure. Thanks very much.

Robinson: Mr. Shaw, where do you allow smoking?

Shaw: Smoking is permitted on the Casino gaming floor with the exception of our non-smoking level. It is also currently allowed at the Piano Bar outside of our steak house, Cavanaugh's Steakhouse. It is also currently permitted at a bar at the Max and Erma's outlet that has a separate room that goes along with the City's current ordinance. Those are the only areas in our facility that smoking is allowed.

Robinson: I want to make sure that I understood what you said, The Chamber of Commerce supporting exemption on the gaming floor?

Shaw: Yes, that is correct.

Robinson: Also, the Evansville Visitor Bureau and Tourism, is that just the gaming floor?

Shaw: That is correct. Thanks for bringing that back up, I was also asked at the meeting this morning by the Convention and Visitors Bureau to note for the record that Barbara McCarty abstained from that vote, she's involved with the smoke free communities and abstained from the vote and I just wanted to make sure that was clear, she requested it.

Robinson: Yes, Councilman.

O'Daniel: With regard to the 2011 revenues for the Metropolis Casino, they were closed for a couple of weeks earlier this year because of the rain, correct?

Shaw: That's correct.

O'Daniel: So, when we start looking at these numbers, we've got to factor in certain items like that such as closures and the like, correct?

Shaw: That's correct. In 2011 that is correct. When we normalize for that impact on their business, because obviously we track that very closely with Harrah's Metropolis, they still had a significant revenue decline in 2011, even normalizing for the flood impact.

Robinson: Councilman Lindsey.

Lindsey: I've got a question for you. As far as the non-smoking floor, does it mirror the other floors? If I didn't know which one was a smoking or non-smoking, would I see the same thing on each floor?

Shaw: It's impossible to mirror it exactly because there is not as much floor space as exists on our other two levels. We have put a significant number of our new machines that we have put on the floor this year onto our Level One area of our non-smoking area, but it is literally one third of our floor space so it doesn't have every game that exists on our other floors.

Lindsey: So it is a smaller space?

Shaw: Yes it is only one floor, so we only have one third of the surface area to work with. So we can't fit them in, because we have hundreds of different game themes. There are no table games that exist on our non-smoking level with the exception of our poker room. That is a non-smoking area. We did put table games on the non-smoking level on New Year's Eve and same kind of situation, those table games had about half the volume of the table games on our other floor. Table games are only offered on one floor currently of our Casino floor and that is level two. I will also say, on level two there are some non-smoking tables, but the entire floor is not smoke free.

Lindsey: And would you keep that, no matter how this turns out?

Shaw: Yes, that is a business decision we made to offer our patrons that option. We're not capacity constrained, so even though the units on that floor don't do as much volume, because we're not at 95 percent occupancy all the time we can offer that as a customer alternative.

Robinson: Councilman Friend.

Friend: What is the percentage of revenue you get from slots, from table games? How is that mix?

Shaw: The majority of the revenue in our business is definitely slot driven. About 86 percent of our gaming revenue at this facility comes from slots versus tables and poker is almost immaterial.

Robinson: Councilman McGinn.

McGinn: Mr. Shaw, I also would like to thank you for this presentation. Rather than meet with you personally, I really like this format. A couple things, are you following what's happening in our Sister State Kentucky? Are they getting close to a probability of some type of machine gaming at the Race Horse Track?

Shaw: We are, in fact I've visited the facility in Kentucky this weekend that currently has games that are called instant winner games. They are essentially slot machines. These are the games that our competitor down the street will put in their grandstand area in the March or April time frame. About 200 of those games will go on the floor. They are slot machines, from a customer standpoint they have nothing to do with para-mutual wagering. Technically they do, sort of behind the scenes is the easiest, most generic way to explain it. But from a customer stand point, it's relatively invisible. It's as though you are playing a regular slot machine. In the Kentucky legislature, in their general session, the Governor and both the Houses appear to have publically said they are moving forward with an expanded gaming bill. In Kentucky they have to put such a bill out as a Referendum for the public to vote on. We do believe that will be on their ballot in November.

McGinn: Do you know, does their bill have any smoking ban or allowances?

Shaw: It does not and I'm quite confident that it won't.

McGinn: It won't have a smoking ban?

Shaw: That's correct.

Robinson: Councilman Adams.

Adams: I was listening to the radio today and could you make a comment as to perhaps the potential effect that online gambling might have on your business?

Shaw: Yes, that's a little more complicated question, good question. It's hard to say at this point. There's about 20 different ways that legislation federally could go. Most of the online gaming, most of the focus of the push currently tends to be regulating online poker. As I mentioned earlier, while that is another offering we offer our customers to have a full Casino offering, it is a relatively small piece of our business. If that has the potential for expansion into other forms of gaming entertainment online, that could have a significant impact at some point. I'm just not familiar enough with the technicalities of what is going on right now at the Federal level to say that in its current version that would have a material impact on us.

Robinson: Are there any other questions? I would also like to thank you for coming. Do you have any plans for improvements for your facility and if so, would that result in additional jobs, construction jobs or any other type of jobs?

Shaw: As I mentioned, we are fortunate we've been able to convince our corporate office that this is a good facility to invest in where we can get a reasonable return. The mess on Riverside Drive, that is our fault. Is the first expansion project at this facility in about six and a half years. We do have, tentatively, additional capital plans for 2012 that we are not able to discuss publically yet, but that would be significant capital investments and would even probably total more than our 2011 spending.

Robinson: Councilman Friend.

Friend: Yes Mr. Shaw, of the 951 employees, how many are collective bargaining units?

Shaw: About 150 of those team members are in the collective bargaining agreement with the UAW. It is essentially our table games dealers.

Mosby: Councilman Friend, I met with the UAW team leader on Friday and he would actually like to meet with Council members regarding this. Also, Council members, I urge you to please go to the boat, please take a look at each floor so you can see the difference. Talk to the workers and know what we are actually discussing here.

Robinson: I think we all should go and see and smell the air.

Shaw: I do too!

Robinson: You said you spent a half million dollars on a ventilation system. We need to go and check it out.

Brinkerhoff-Riley: I went last week and I was pleased that I got to talk to you a little bit more. I will say that I visited the second floor first and then the third floor, I went down to the non-smoking floor last. You don't really realize the cigarette smoke I think until you get to the first floor and you actually have the absence of cigarette smoke. I did not feel like I was in a fog of cigarette smoke. It was not as bad as what I expected. I will say though, when I got home I did have to launder my coat, everything smelled of cigarettes. I did visit it and I think everyone should because it did give me a reality check to what I had expected.

Robinson: It's free to go on the boat.

Mosby: Councilman Adams, I will take you and I'll let you spend some money.

Robinson: If there is not anything else for Mr. Shaw, we want to thank you for coming and I'm sure you will be back on February 13th.

Shaw: Yes, thank you very much for your time. I appreciate you giving us the floor.

Robinson: Next we will have Stephanie Steinberg from Smoke-Free Gaming.

Stephanie Steinberg: Smoke-Free Gaming

Steinberg: Good evening Council members, staff as well. Good evening all the wonderful Casino employees who are here tonight, I want to thank you for allowing me to speak. My name is Stephanie Steinberg I am the Chairwoman of Smoke-Free Gaming of America. I want you to know that we work on behalf of Casino employees. We do a lot of education and outreach about the health effects of second hand smoke in gaming environments.

Robinson: Stephanie, could you give your address to Madam Clerk? Are you here in Evansville?

Steinberg: No, we have a couple of offices. One is 790 West Hammon Avenue. Englewood, Colorado, 80110. I want to address a couple of things quickly that Mr. Shaw said. He talked about the right thing to do and that phrase really affected me because he talked about the philanthropy that the gaming industry does. That's very common, the gaming industry gives a lot of money, and they do a lot of wonderful things. They don't do it without recognition though and

they don't do it when they need something from the City Council. To threaten you to suggest that maybe that money will be gone I think is absurd and they shouldn't have done that. Secondly, I understand that as for the Convention and Visitors Bureau, I believe Mr. Shaw is a Commissioner on that board and therefore he let you know that organization endorsed a Casino exemption but yet he is a commissioner on that board. The other issue too, he didn't know if second hand smoke was a health hazard. When you are in an environment that is filled with second hand smoke and causing your work place to be a hazard, you really should know how bad the air is. I was a little bit shocked that he said he didn't know that, just a couple of things there that I wanted to get out of the way. The issue about the government telling businesses how to run themselves, they are highly regulated. Every business is regulated because of the safety and health of the workers and of the patrons as well. We have food codes, we have health safety codes, we have building codes, we have fire codes, and we regulate businesses so that those are safe and healthy for the occupant. What I want to do is, I understand that this is going to be a possible exemption that it's on your mind. One of the things that is important to know, that this is not an exemption of a potential casino or bar or restaurant, this is an exemption of people. Casino Aztar will never get sick, it will never get heart disease or cancer and so forth which I will explain later. The people are going to get sick. I work with casino employees so I am actually on your side. I am not your enemy. I work with casino employees around the country whether they smoke or don't smoke. They come and reach out to us because they know they are breathing unsafe air. One of the things I would like to do is make this a little more interesting. I want to show you some ads, these are great visuals to explain the whole issue of second hand smoke. This is a kind of a visual image of the Marlboro Man, actually two of the Marlboro men did die of lung cancer. Second hand smoke does kill people. It kills about 50 thousand people every year in the United States. Fifty thousand is a lot when you hear breast cancer kills 30 thousand. So second hand smoke is taking far more lives. I'm going to ask you a question to this answer hopefully you'll get it. One of the things that is important is this number 14 years. This is a very significant number that the gaming industry actually would like to know about. I'm going to give you the answer to that a little later in the power point. Talking about the history of smoking and gambling, people say that smoking and gambling go hand in hand. This is an image of the poker dogs, sitting around smoking cigars. This was actually done by a cigar company. Poker always was a very pro smoking kind of a gambling event. However, Casino Aztar has non-smoking in their poker room. Poker rooms across the country are non-smoking, the World Series of Poker is a non-smoking tournament and the World Poker Tour is as well. So this image is actually obsolete, smoking and gambling do not go hand in hand. We have changed that quite a bit. This is Donna Harris, she was Mirage's Director of Poker Operations when she made the statement, and she is now working at the Wynn in Las Vegas. She commented that people aren't coming in here and they are not leaving here smelling like smoke. The policy that they installed was making their poker room non-smoking was the cost. There were burn holes all over the felt tables and burn holes all over the carpeting from the cigarette ashes falling. It is a cost involved as well but the reason poker rooms went non-smoking was the gamblers couldn't take it anymore. I know a lot of professional poker players and they tell me that they would have smokers sitting by me and they would sit there for hours gambling. They finally got together and got a petition going. So in 2002, Mirage Casino made their poker room non-smoking and it was the first time in the country that a poker room had done that. Some reactions were everyone throwing a fit, there was no way this is going to work, you can't get smoking out of a poker room. Some reactions were celebratory, absolutely, we are tired of smoke. The changes in going smoke free are very much happening. These are states around the country going smoke free. I won't go into every states but Massachusetts legislature just authorized three gaming licenses. They are going to open smoke free, 100%. People going after that gaming license like Steve

Wynn in Las Vegas and MGM Resorts are all trying to get that gaming license and it's going to be a smoke free gaming environment. In Nevada there is one casino that went smoke free voluntarily they opened it non-smoking. New Jersey has a partial ban there. Ohio, I read a quote about how we are going to have competition from Ohio. But you are going to have competition from smoke free gaming. Those four casinos that are going to open in Ohio will be smoke free. As a matter of fact Penn National Gaming which is based in Las Vegas is going to own two of those casinos in Ohio. Penn National Gaming came out publically stating they would not hire smokers. If you smoke don't apply to our casinos. The health care costs are so high, we can't afford you. We are also going to make sure you don't smoke, we are going to drug test you to make sure you don't have nicotine in you. We want a healthy work force. Skipping down as well, West Virginia has a non-smoking casino, the Greenbriar, that was by local law. The Palace Casino in Mississippi has no state law, there's smoking everywhere. They went and remodeled their casino and spent a fortune and decided they didn't want smoking anymore. They replaced the carpet, replaced the employee uniforms because they smelled so bad. They have on their web site, proud of being smoke free. They talk about the guests wanted it and the air quality was very much an issue. Most of the residents don't smoke. A study of over 17 thousand gamblers in Nevada prove that 80 percent of gamblers are non-smokers. This will tell you a little about the future of gaming, when you talk about competition you are going to be competing with smoke free gaming. Florida is looking to expand, New York is expanding and Illinois is also trying to get more gaming as well, again all entirely non-smoking. One of the things that I was a little concerned about, this was on a web site for a job application for Casino Aztar, and it tells the person applying that they must be able to work in a smoking environment. For Mr. Shaw not to address the health hazard of second hand smoke, to me is a dereliction of duty. He needs to know what the smoke that he is forcing his employees to breathe. What is so disappointing to me in this application it's basically telling people that in order to get your paycheck you need to breathe the smoke from the cigarettes. It is absolutely abhorrent to think that as a condition to get your paycheck you have to breathe cigarette smoke. We took it upon ourselves to give you a literal translation of what that means. I'll read this out loud, while performing the duties of this job the employer will intentionally cause you to breathe 7 thousand chemicals and chemical compounds 24/7 without a respirator and in buildings where our ventilation system is incapable of keeping the air free from toxic second hand smoke pollution. So, obviously we know there is a risk at this casino. We hear a lot of naysayers, well you applied and you knew there was going to be smoke in there. A lot of jobs are high risk. People in the military, construction workers, fire fighters, police, they know their jobs are high risk but we give them protection. We do whatever we can to minimize harm. We give them equipment, and we give them hard hats, safety lines and so forth. Casino employees should be wearing one of these, this is a ventilator. The air is so toxic in Casino Aztar, I was in there last night and I was having a very difficult time breathing. If you want to protect Casino Aztar employees then they should be wearing this. And again why are we protecting them? These are just some of the chemicals, formaldehyde, benzene you guys really need to know what you are breathing, the arsenic. You're breathing cyanide, carbon monoxide, methane, these are just some of the chemicals that you are breathing. They talk about non-smoking sections a lot, this is an ad that I found talks about the smoking section, we call it the second hand smoking section. If you have smoking in a building, there is no such thing as a smoke free area. Smoke travels, it's a gas. We have another joke that we say that the non-smoking section is like a peeing section in a pool. You can't stop it from moving. The smoke travels and it's not going to stop. It doesn't know when to stop at the non-smoking section. So the air is bad and we know that because of the professor of industrial hygiene at Purdue University did a study of the casinos here in Indiana. The pollution is 14 times higher than outdoor levels. Again this is a serious work place hazard, it is air pollution. Specifically casino

workers get four times the smoke exposure as other workers. It affects their DNA and increases their risk for heart disease and cancer. We have a Doctor on the Council. Dr. Adams you can chime in. I'm going to speak as a lay person. When you inhale the smoke it affects the platelets in your blood making your blood sticky. When the blood can't flow it restricts the ability for the blood to go to the heart, causing stroke, heart disease, heart attack and so forth. That is why it affects the heart. Many people think lung cancer all the time, but it very much affects your heart. I'm going to introduce you to a guy named Vinnie. I know Vinnie very well. He was a casino employee and he says he never smoked cigarettes but working on the casino floor for 27 years I was exposed to second hand smoke. I have lung cancer and now folks want to exempt casino employees from smoke free laws. Don't let this happen to more workers. Everyone deserves the right to breathe smoke-free air. By the way, he worked at the Tropicana in Atlantic City and the Tropicana had state of the art ventilation. Vinnie found out he had lung cancer. You don't get the symptoms until it has progressed. He was in a car accident on his way to work, which he wants everyone to know wasn't his fault, he gets told by his doctor that he will survive the car accident, but by the way, you have lung cancer. He had to have part of his lung removed. When they remove a lung they have to cut you in your back. Vinnie had his surgery and he kept working at the Tropicana, and I said to Vinnie why are you here? You have had lung cancer and your life expectancy has dropped? He said because now more than ever I need the health insurance. He got laid off along with others because of the economic downturn and he decided he wanted to sue. At the time, Tropicana Entertainment was owned by Aztar Corporation. Vinnie hired a lawyer and started the process. They ended up settling for 4.5 million dollars. I'm sure Mr. Shaw is aware of that lawsuit. Let me go to a couple of other employees, this woman is named Cheryl Roads and she was born right here in Evansville, Indiana. I met her in Vegas. She worked in Vegas casinos. She worked for the same casino company. She was such a wonderful person. When she came to the door she had already lost her hair and had a big smile on her face. She was going to face her demise and she was going to help advocate, so she become an advocate. When I met her, she told me she was laid off like many employees because of the economy. Three months after getting laid off she thought she had the flu and went to the doctor. The flu was not going away, maybe it was asthma. So they started treating her for asthma and it made her lungs more inflamed. They finally did a chest x-ray and found out she was at stage four lung cancer. She also had surgery as well, but her lung cancer had spread. Because she couldn't work anymore or pay insurance or pay COBRA and she no longer had income, she went into foreclosure and lost her house, sold everything in her house at a garage sale and moved in with her daughter in Illinois. I went to visit her in her final days and to be by her bedside when she died. Her daughter who works for the American Heart Association in Illinois was there and we said goodbye to Cheryl. Terry Price, I know very well. She has worked at the casino for years, begged for a non-smoking table, just give me a sign or something, the smoke was so bad. Originally the current management did give her a sign and she was thrilled and the other employees were so happy. The gaming industry can be retaliatory. When the management changed they took the sign down. They would do nothing to help her and they fired her. The retaliation is alive and well. The casinos employees that I have worked with, if you do this at your table when you are dealing you get written up, if you start coughing they remove you from your table. They don't want you coughing in front of your customers. I am a gaming customer as well. I've been going to casinos since I was twenty one. I'm at a black jack table, the dealer is pregnant and a guy next to me is blowing cigar smoke on her. I ask the floor supervisor could he please move her there is a guy blowing smoke in her face. He said they don't give anyone special treatment. She went home sick the next three days. Currently this just happened to another casino employee. She also had part of her lung removed. She was out three months of work because she had the surgery and had chemo. She comes back to work and is still feeling

sic. Because she lowered her hours to a certain amount of time, her health insurance gets cancelled. So now she can't pay for her ongoing chemo treatment and is now on social security. Bottom line is this, for goodness sake, we are on Martin Luther King Boulevard. The name means something. This is an injustice. If you think about exempting employees, you are basically discriminating. Your lungs aren't as important as his lungs, your heart isn't as important as his. We have to have equality with the casino workers. Don't discriminate because of who writes their paycheck. I hear this all the time, we have a right to smoke, and smokers have rights. This is the United States Constitution, I have a pocket version here, and the bill of rights is the first ten amendments of the Constitution. There is no right to smoke, it is a behavior that's addictive. People suffer from an addiction. There is no right to have an addiction. Mr. Shaw also mentioned the Metropolis Casino. This is a picture of it when it was flooded. This picture wasn't in his power-point, anyway you can see people on the boat. You couldn't get to the casino. It was closed, they lost a lot of money. Those casinos in Illinois are all non-smoking. Recently a new casino opened. Illinois has been non-smoking since 2008 and just last year a casino company spent a lot of money. They wanted to build a smoke-free casino and they did. In Illinois they were turning away people. This is a picture of the casino, packed. It is a beautiful property and they have a lot of amenities, great restaurants, it's an experience not just about gaming. Again, it's a non-smoking facility and people were turned away to get into it. We talk the about economic downturn. 2008 was the worst year on record for declining gaming revenues in smoke-filled Nevada. You can smoke everywhere in Nevada. On the strip, their revenues went down as well. State wide it went down about 15 percent, so when we talk about all the money the gaming industry has lost, this coincides with Nevada. Nevada is the number one gaming state in the country. They make billions of dollars for that state and they took their biggest hit ever. There have been studies from the group called Spectrum Gaming Group. Spectrum does a lot of evaluations for the gaming industry as far as their future prospects. Here we have the vice president stating, he's talking about Atlantic City casinos being state regulated but that at some point they are all going to be smoke free. Every casino is going to be smoke free. Casino Aztar is going to be smoke free. By the way, in Kentucky they have a bill to make them smoke free. It's being sponsored, I don't know if it's the House or State Senate, without a casino exemption. There is smoking everywhere in Kentucky, horse tracks with no gaming, but as a smoking State their revenues are down. There is talk about competition with Ohio. Again, Ohio is going to be smoke free. The bottom part where it talks about the smaller markets down here, the risk is the competition from Kentucky which is likely to be smoke free as well. We are going in that direction and we have been going in that direction. It's absolutely inevitable. So we talk about money and revenues, but let's talk about the health care cost of smoking. This is what it costs, this is where our money is going. So the more people we have smoking in Indiana, the more people we have breathing second hand smoke. The health care costs are going up astronomically and people are dying. That's just for smoking. Let's look at the cost of second hand smoke. It is astronomical, the health care cost. Please, this is incredibly important to know because we can't dismiss that this is where our tax dollars are going. This is unbelievable. When I found this out, we have non-smokers that work in casinos that have to pay higher rates for health insurance and life insurance that don't even smoke, but because they work in the casino they get charged the smoker rates. One of the things that is also an issue, this was in Atlantic City, this is a worker issue because I notice all of the Aztar employees here. I'm sure if your employer tells you to show up, you show up. But in Atlantic City they wanted their employees to show up, too. They were trying to get 100 percent. Right now the Atlantic City gaming industry is at 75 percent non-smoking. We had consensus with Council, we educated them about the health issues and they were supportive. At the eleventh hour the gaming industry said they were going to cut jobs, people were going to lose jobs if we go non-smoking. They intimidated the

City Council members. They threatened to pull money. We won't donate to these groups anymore and your revenue is going to go down. The employees had a sign that said save our jobs. They brought in their hand made signs and they came to City Council just like you did and said save our jobs. They were told they would be fired if they didn't support going against the 100 percent smoking ban. We lost and they got fired anyway. I called and asked a casino friend of mine and asked why did you do this? He said we were going to make the cuts anyway. So, just be careful, I hate to see employees get used and manipulated, I just hope that doesn't happen here. The cost again of this is just another ad to give you a visual. Talking about the cost aspect, this is worldwide. When you have that many people dying, there is health care costs that go with that. Now this ad has a lot of impact. One of the things that I really want the gentlemen to see, whether you are a smoker or second hand smoker. This is an ad that was done in the United Kingdom. It has a lot of impact. It correlates to the blood being sticky. When your blood can't flow because you breathe second hand smoke, it affects all parts of your body. What woman wants to be with a man whose blood doesn't flow to all areas of the body? This is a great health message and is very true. Another one is breast cancer. These are pre-menopausal women, and it increases our risk of breast cancer by 68 percent. I worked in bars during college for several years. I ended up with breast cancer in my thirties. I had radical surgery done and I'm due for more surgery next week. But the thing to remember, knowing the health issues that you are learning, if you can prevent people from getting heart disease and heart attacks and breast cancer, then that is the right thing to do. Ventilation blows the air around, you bring in air from the outside and you blow it around and it eventually goes up to the ventilation which is generally if you notice is going to be up high. Ventilation is always up high in the ceiling and where do people smoke? They smoke right here at our level. So we breathe it first, you cannot avoid exposure, it's impossible. Ventilation cannot control that. I've had employees tell me that they are the ventilation, they've been around it all day and breathing the smoke all day, I'm the vent. I'm ventilating the air. At Casino Aztar they have on their rack, which is where their chips are, they have four little discs, there is a slit in each of them and that is supposed to be an air curtain to protect them. But the slits all probably, if you combined the area are the size of my thumb nail. That is the ventilation they are getting at their table. Not all the tables have them. The air actually comes from the floor where all the third hand smoke is. On the issue on ventilation, I can be a little bit off the wall here but honestly here's some homework for you. If you go home and go into your bathroom and close the door, let's say you are going number two, turn on the vent. If you can't smell anything then you have state of the art ventilation. But if you can smell something, then your ventilation doesn't work. It's a ridiculous thing to say but people have told me that. I have a vent in my bathroom and I can smell everything. It's the same thing, it cannot control the odors. And odor is an issue with ventilation. The American Society of Heating Refrigerating and Air Conditioning Engineers set the standard on ventilation. For all ventilation companies, they tell you that we need to ban smoking. There is no way that ventilation, unless it's the force of a tornado, that you can get rid of the exposure of second hand smoke. You cannot control it with ventilation. Ventilation is an afterthought. It's like cleaning up an oil spill with a paper towel. The damage is enormous, it's immediate, and you cannot clean it up. So again I was in Casino Aztar, I was coughing, my eyes were red, and I had earaches because I get earaches from second hand smoke, it was unbearable, absolutely unbearable. Like Councilwoman Mosby said, that I recommend you go there, but be prepared when you go. I've been in a lot of casinos around the country and this is one of the worst Casinos that I have been to as far as air quality. So we have predictions of 30 percent loss of jobs and revenue. Where does this come from? It's absolute speculation. The recession is what is causing the gaming issue right now and for a lot of companies, not just gaming. We are not out of it yet, we are still struggling, and we are fighting to get out of it. I can tell you who the recession isn't affecting, the

owner of Tropicana Entertainment which owns Aztar. Carl Icahn is a multi-billionaire and he owns 60 percent of Tropicana Entertainment, he is worth 12.5 billion dollars. The rich get richer, he's not suffering, it's just the people down here. We have talked about how the revenue from the non-smoking area is not so great. Gamblers go to the machines that they love, they have a system. I'm on the gambling side of it. I have friends who play slots every day. They go to the machines they are going to win at, the ones they have an affinity to, whether they are in the smoking or non-smoking sections. They go where the pay outs are higher. I was in Casino Aztar and the best machines were on the main floor, they were not in the basement. I have seen slot machines all over, the better machines were upstairs, and all the table games were in the smoking upstairs. So the issue with the revenues being down, when Colorado casinos all went non-smoking in January of 2008, all of sudden the payouts weren't coming out. This is just observation, gamblers would call me and say we are smoke free but now the machines aren't paying out what is going on? We actually looked at the records from the Colorado Division of Gaming and it was the first time ever the payouts didn't come out like they used to. So, the 14 years in case you are not sure why that is significant, smokers die on average 14 years sooner had they not smoked. That's 14 years of lost revenue for the gaming industry and 14 years of lost revenue to the local economy. If you have a healthy population and you can keep your customers alive, you will keep those 14 years of revenue otherwise from a gaming business stand point it makes absolutely no sense to promote smoking, to accommodate it, when your customers are going to be strongly affected by it. You want healthy customers and you want healthy employees. So in its simplest form this is about breathing. Breathing isn't a choice no matter where you work. People say you chose to work there, but I have to breathe no matter where I go to work. It's as simple as that. It really is about worker's rights for everyone. Let's not discriminate, let's not say you're health is not as important as your health. Let's treat everyone fairly and equally. I urge you not to do any type of exemption what so ever because then you are exempting people. Finally I just want to say this is an absolute positive opportunity for the City of Evansville, it is a great community. Casino Aztar was the first casino in Indiana, it could be the first smoke free casino in Indiana. Set a standard, set the stage for the rest of the State. Go along with what is already happening in the rest of the Country and the rest of the world. It's going to happen, I can guarantee that. It is just a matter if you are willing to be pioneers in this effort. Again, thank you very much for listening to the presentation. If you have any questions I will be happy to answer those.

O'Daniel: Thank you for your passionate explanation of this stuff. I think you have to understand that we have very high concerns about the amount of revenue that comes in, that's part of our job as a fiscal body here as well. But what I was really interested in because I didn't hear Mr. Shaw speak about it, is the idea of a partial ban within the gaming area. Seventy five percent New Jersey and 50 percent in another state, what was the experience with regards to revenue in those two states with a partial floor ban?

Steinberg: What happened when Atlantic City went non-smoking, Pennsylvania was allowed to have gaming. So when casinos open that are new and exciting and have more amenities, people are going to go to those locations. So Atlantic City, in articles that I have read, said we are now competing with Pennsylvania. They are new, exciting and brand new casinos and people are going to go to the new things. Philadelphia is very close to Atlantic City, about an hour drive. That was the big issue there. It was competition that came up from other states, but that's the nature of competition. Actually in Atlantic City a new casino is about to open this spring called Revel. Revel has told me it is going to open non-smoking. Even within small communities of gaming you still see these maverick laws being passed, or voluntarily going smoke free because

it's going to be inevitable. But that was the issue with Atlantic City. It's just an issue of competition by nature. Something new just opened, let's go to it.

Friend: Again, thanks for coming out. It has been a long evening. Did I get this right, did you say the Mirage went non-smoking?

Steinberg: The Mirage Casino in Las Vegas, they were the first to make their poker room non-smoking. It was in 2002 against the odds. Everyone said no way would this work. It is not going to happen, smoking and gambling go hand in hand. They made it a policy. Then going from the Mirage to the MGM properties, it also made their poker rooms non-smoking and I think the Bellagio was next. It went from there to these major poker tournaments have gone non-smoking.

Friend: The Palace Casino in Biloxi, were they the only ones non-smoking?

Steinberg: Yes, they did it voluntarily. Mississippi has a similar law as here. Restaurants have smoking, bars everything. They took it upon themselves to do something to benefit their employees, so they did it on their own.

Friend: Do you have any numbers on the revenue impact?

Steinberg: They are a private company so I can't get those, but I will tell you they, The Palace Casino in Biloxi, is now working with our groups. They want to allow us to interview their employees to talk about the benefits of having gone smoke free. They are going to work with us actually.

Robinson: The question I have is about the MGM, you can smoke on the gaming floor, you just can't smoke in the poker rooms? Is that correct?

Steinberg: Are you talking about in Nevada?

Robinson: Yes in Nevada.

Steinberg: Correct, yes.

Robinson: I just left Las Vegas last month and people were smoking on the gaming floor at the Mirage.

Steinberg: Yes it's the poker rooms. And again in 2008 when the recession hit there was smoking everywhere in Nevada except the poker rooms.

Robinson: I found kind of interesting, you said on the application for employment at Casino Aztar they give you a warning that you will be exposed to smoke.

Steinberg: They are telling you in order to get paid to work here you are going to breathe second hand smoke.

Robinson: I don't see it that way. The way I see it, you have a choice! They are letting you know that you are going to be around it. I see it as, you have a choice so it's up to you whether you want to inhale smoke or not and whether you want to fill out the application or not. They are giving you that opportunity and it's up to the individual.

Steinberg: If that application said, we don't keep a safe kitchen, we don't follow health codes and e-coli is going to be in the food when you come and eat at our place.

Robinson: Then I wouldn't eat there!

Steinberg: But we have laws to protect us. I understand what you are saying. It's not a choice issue. We created government to protect the health and safety of our systems. We need fire codes in buildings we need health codes.

Robinson: The government can only do so much, people have to have common sense too. They have to be able to protect themselves.

Steinberg: The difference with the second hand smoke though is, no can one can stop breathing it. It is a smoke that the person with the addiction affects other people. Sometimes they compare it with liquor laws. Well, I can drink alcohol and it only affects me unless I get in a car and drive and kill someone. But the second hand smoke affects everyone, whether you want to breathe it or not. It is not a choice. You can't choose to breathe.

Robinson: Okay, I guess the last one I have is, I see but I don't know the gentleman's name from the Evansville Convention Bureau. You made reference that Mr. Shaw was on the board. Did he hold you hostage?

Inaudible.

Robinson: So he did abstain from the vote, okay thank you. Councilman Lindsey.

Lindsey: I've got one question for you. Have any of these casinos reversed themselves? From non-smoking back to smoking?

Steinberg: To my knowledge, no they have not gone back.

Mosby: Just a show of hands please, how many of the Casino Aztar workers were told they had to be here tonight? Anybody? Okay thank you.

O'Daniel: How many of the smoking bans have been by local option or how many have been state wide?

Steinberg: That would take me time because they vary as far as the level of clean under air law.

O'Daniel: The question I have is this, in Illinois it's a state wide smoking ban and Ohio is going to be state wide smoking ban.

Steinberg: It already is, the law was in effect before gaming.

O'Daniel: Are there states out there in which smoking is permitted in their gaming area, in which counties or municipalities have opted out of that and said we are going to have a smoking ban? And do we have the numbers to compare their productivity versus cities that remain under the state wide ban?

Steinberg: As far as gaming? The Greenbrier Casino in West Virginia, that was a county law. I don't know their numbers off hand but I know there is several counties in West Virginia that have clean air laws.

O'Daniel: It's a destination in and of itself?

Steinberg: Right, golf course and a lot of things.

Robinson: Have you addressed the state legislators since they are looking at exempting the casinos?

Steinberg: Personally I have not.

Robinson: Any other questions? At this time we would like to thank you for coming tonight all the way from Colorado. To the public, I would like to remind you that on our meeting on February 13th, we will have second and third readings and at that time we will take public comments.

Robinson: On your desk this evening, I gave you a list of City Council Liason's to the different City Offices. If you have any questions or any concerns or if these are the departments that you don't want, get in touch with me. We still have some board appointments for 2012. We have some boards that are going to meet next week and we need to get that taken care of.

BOARD APPOINTMENTS FOR 2012

EXPIRES

Human Relations

Brenda Murray Pitman
Elexica McAlister

December, 2012
December, 2012

Robinson: Councilman Adams moves to accept the two appointed nominations to be accepted as the board and Councilwoman Mosby seconded. Voice vote. So ordered.

Social Status of

African/American Males

(10 members - all 2 yr. terms)

Rev. W.R. Brown, Jr.
Leonard Collins
Matory Bailey
Dan Adams
Conor O'Daniel

December, 2013
December, 2012
December, 2013
December, 2013
December 2013

Robinson: Councilwoman Mosby moves to accept the appointed nominations to be accepted as the board and Councilman Friend seconded. Voice vote. So ordered.

MBE/WBE

John Friend

December, 2012

Robinson: Councilwoman Mosby moves to accept the appointed nominations to be accepted as the board and Councilman Adam seconded. Voice vote. So ordered.

Affordable Housing Advisory Committee

(all 2 yr. terms)

Moreane Eakins
Greg Hall
Wilbert Robinson
Gwendolyn Lester

December, 2013
December, 2013
December, 2013
December, 2013

Robinson: We are taking suggestions for Affordable Housing Advisory Board. Councilman McGinn moves to accept the appointed nominations to be accepted as the board and Councilman Friend seconded. Voice vote. So ordered.

Robinson: Next is the Evansville Urban Enterprise Zone and we have a letter from Alan Young and he needs four appointments and he has suggestions on who he wants. Gene Smith, Linda Jones, Connie Robinson, Steve Melcher.

Urban Enterprise Zone	Gene Smith	December 2012
	Linda Jones	December 2012
	Connie Robinson	December 2012
	Steve Melcher	December 2012

Councilwoman Mosby moves to accept the appointed nominations to be accepted as the board and Councilman Friend seconded. Voice vote. So ordered.

COMMITTEE REPORTS:

ASD COMMITTEE:

Re: Ordinance G-2012-3
Date: February 13, 2012
Time: 4:50 p.m.
Notify: John Noback

CHAIRWOMAN MOSBY

An application for Certificate of Convenience
and Necessity for Taxicabs

PUBLIC WORKS COMMITTEE:

Re: Ordinance G-2012-2
Date: February 13, 2012
Time: 5:00 p.m.
Notify: Paul K. Neville, II

CHAIRMAN MCGINN

A petition to vacate a public way (Carol
Drive adjacent to 3624 Pollack Ave.

Re: Ordinance G-2012-1
Date: February 13, 2012
Time: 5:10 p.m. to 5:30 p.m.
Notify: Dan McGinn/Dan Adams

An ordinance amending the smoking
ordinance


FINANCE COMMITTEE:

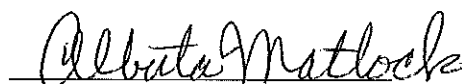
Nothing scheduled at this time.

CHAIRMAN FRIEND

ADJOURNMENT

Councilwoman Mosby moved and Councilwoman Brinkerhoff-Riley seconded the motion to adjourn. Voice Vote. So Ordered. Meeting adjourned at 7:20 p.m.


President


Alberta Matlock, City Clerk

MISCELLANEOUS BUSINESS

There will not be a City Council Meeting on Monday, January 30, 2012 or Monday, February 6, 2012. The next City Council meeting will be Monday, February 13, 2012 at 5:30 p.m. Committee Meetings will begin at 4:50 p.m. on February 13th.

Russell G. Lloyd, Jr., City Controller: Investment Report

Ward Shaw: AZTAR Power Point Presentation

Stephanie Steinberg: Smoke-Free Gaming

Board Appointments the Year 2012

ADJOURNMENT

CITY COUNCIL COMMITTEE MEETING SCHEDULE

January 23, 2012

There are not committee meeting scheduled.

February 13, 2012

A.S.D. COMMITTEE:

Re: Ordinance G-2012-3

Date: February 13, 2012

Time: 4:50 p.m.

Notify: John Noback

CHAIRWOMAN MOSBY

An application for Certificate of Convenience
and Necessity for Taxicabs

PUBLIC WORKS COMMITTEE:

Re: Ordinance G-2012-2

Date: February 13, 2012

Time: 5:00 p.m.

Notify: Paul K. Neville, II

CHAIRMAN M^cGINN

A petition to vacate a public way (Carol Drive)

Re: Ordinance G-2012-1

Date: February 13, 2012

Time: 5:10 p.m. to 5:30 p.m.

Notify: Dan M^cGinn/Dan Adams

An ordinance amending the smoking ordinance

HELD IN COMMITTEE (to be announced)

FINANCE COMMITTEE:

Re: Resolution C-2011-36

Date: Held in Committee

Time:

Notify: Mark Moore

CHAIRMAN FRIEND

Approval of Issuance of Bonds
for Economic Development Project

The Honorable Council of the City of Evansville is hereby called to order. Madam Clerk, please call the roll.

ROLL CALL

✓ M ^c GINN	✓ FRIEND	✓ O'DANIEL
✓ MOSBY	✓ LINDSEY	✓ WEAVER
✓ BRINKERHOFF-RILEY	✓ ADAMS	✓ ROBINSON

There being 8 members present, 0 members absent, and 9 members representing a quorum, I hereby declare this session of Common Council officially opened.

PLEDGE OF ALLEGIANCE

This evening the pledge of allegiance will be led by Weaver.

Fellow Councilmen and those in the audience, welcome to the January 23, 2012 meeting of the Common Council.

RECOGNITION OF SCHOOLS

Are there any students in the audience who would like to be recognized?

SCHOOL: _____
NAME: _____

SCHOOL: _____
NAME: _____

TEEN ADVISORY COUNCIL

Loren Littlepage _____
Alyssa Blythe _____

COUNCIL ATTORNEY

This evening John Hamilton is City Council Attorney.

SERGEANT AT ARMS

This evening Officer _____ is our Sergeant at Arms.

READING AND AMENDMENT OF MINUTES OF PRECEDING MEETING

Is there a motion to approve the minutes of the January 9, 2012 meeting of the Common Council as written?

Councilman Mosby moved and Councilman John seconded the motion that the minutes of the regular meeting of the Common Council held January 9, 2012 be approved as written. Voice vote. _____ So ordered. _____

REPORTS AND COMMUNICATIONS

IN YOUR JANUARY 20th PACKET:

- *City Council Agenda for January 23, 2012 meeting.
- *City Council Meeting Minutes from the January 9, 2012.
- *Committee Meeting Schedule.
- *Ordinances G-2012-1, G-2012-2 and G-2012-3.
- *Resolution Docket C-2012-1.
- *Legal Aid Statistics.
- *Eastview Neighborhood Association Newsletter.

ON YOUR DESK THIS EVENING:

- *Ordinance G-2012-3

Councilman Mosby moved and Councilman John

seconded the motion to receive, file and make these reports and communications a part of
the minutes of the meeting. Voice vote. So ordered.

CONSENT AGENDA

FIRST READING OF ORDINANCES OR RESOLUTIONS

ORDINANCE G-2012-1 PUBLIC WORKS (McGINN) ADAMS, McGINN

An Ordinance amending Chapter 8.30 of the Evansville Municipal Code (Smoking Ordinance)

ORDINANCE G-2012-2 PUBLIC WORKS McGINN

An Ordinance to vacate certain public ways or public places within the City of Evansville, Indiana, commonly known as Carol Drive

ORDINANCE G-2012-3 A.S.D. MOSBY

Application for Certification of Convenience and Necessity for Taxicabs. (Mighty Cab LLC.)

CONSENT AGENDA

SECOND READING OF ORDINANCES AND RESOLUTIONS

Nothing filed for Second Reading

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

Nothing filed for Third Reading

RESOLUTION DOCKET

RESOLUTION C-2012-1

SPONSORS: ADAMS, ROBINSON
FRIEND, O'DANIEL

A RESOLUTION HONORING MIZELL STEWART III

WHEREAS, Mizell Stewart III, has been the editor of the Evansville Courier-Press Newspaper since 2007; and

WHEREAS, prior to his coming to Evansville, his career included newsroom management roles at the Akron Beacon Journal, the Tallahassee Democrat and the Dayton Daily News. While serving in a corporate role for Knight Ridder, he directed coverage of the aftermath of Hurricane Katrina at the Biloxi Sun-Herald, which was awarded the Pulitzer Gold Medal for Public Service.

WHEREAS, Mizell Stewart III has consistently led the Evansville Courier-Press Newspaper to high awards and outstanding coverage of both local and regional events; and

WHEREAS, he has consistently maintained his strict journalistic impartiality throughout his entire tenure; and

WHEREAS, Mizell Stewart III has been passionately dedicated to the City of Evansville and its issues; including issues pertaining to city-county consolidation, smoke-free issues and downtown renewal; and

WHEREAS, his deep commitment to excellence and creative improvement of urban problem solutions has been an asset to the City;

Connie
Lloyd
Connie
Adams
Lloyd
Adams
Lloyd
Friend
Lloyd
Robinson
Mosby
Lloyd
Robinson
Weaver
Mosby
Lloyd
Robinson
Adams

Steinberg
O' Daniel
Steinberg
O' Daniel
Robinson
Steinburg

BOARD APPOINTMENTS FOR 2012

Affordable Housing Advisory Committee (all 2 yr. terms)	Jeff Stratton	December, 2011
	Moreane Eakins	December, 2011
	Greg Hall	December, 2011
	Wilbert Robinson	December, 2011
	Gwendolyn Lester	December, 2011
Area Plan Commission	Councilman Adams	December, 2011
Electrical Examiners Board	Jim Dewig	December, 2011
EMPO	*Stephen Melcher	December, 2011
	Jack Corn	December, 2011
Evansville Economic Development Commission	Wayne Ellis	December, 2011
	Tyler Francis	December, 2011
Haynie's Corner Art District Advisory Commission	*Heidi Krouse	December, 2011
	*Jill Kincade	December, 2011
Home Inspection Board	*Bill Kattman	December, 2011
HVAC	Needs to be filled Was Steve Bryant	
ITAC	Randy Brown, Jr.	December, 2011
MBE/WBE	Jerome Stewart	December, 2011
	John Friend	December, 2011
Pigeon Creek Advisory	Wendy Bredhold	December, 2011
Social Status of African/American Males (10 members - all 2 yr. terms) (Need 2 members)	Brad Hill	December, 2011
	Rev. W.R. Brown, Jr.	December, 2011
	Moreane Eakins	December, 2011
	Anna Morrow-Owsley,	December, 2011
	Leonard Collins	December, 2012
	Watez Phelps	December, 2011
	Matory Bailey	December, 2011
	Dan Adams	December, 2011
Urban Enterprise Zone	Need 4 appointments	
Criminal Justice Planning Commission	Dan Adams	December, 2011

*Adams Second
Mosby S.S. African
Brown Jr.*

*Mosby moved
Adams moved
Friend Second*

EXPIRES

*Adams
Alan Jones
Gene Smith
Linda Jones
Connie
Stephen Melcher
Mosby-Friend*

nt

COMMITTEE REPORTS:

ASD COMMITTEE:

Re: Ordinance G-2012-3
Convenience
Date: February 13, 2012
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Notify: John Noback

CHAIRWOMAN MOSBY

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Notify: Dan McGinn/Dan Adams

An ordinance amending the smoking
ordinance

FINANCE COMMITTEE:

Nothing scheduled at this time.

CHAIRMAN FRIEND

ADJOURNMENT

Councilman Mosby moved and Councilman Riley

seconded the motion to adjourn. Voice Vote. — So Ordered. —

Meeting adjourned at 7:20 p.m.

CITY COUNCIL LIASON'S TO CITY OFFICES

Councilman Dan McGinn: Fire Department
Mesker Park Zoo and Botanical Gardens

Councilwoman Missy Mosby: Police Department
Central Dispatch
City Garage

Councilwoman Stephanie Brinkerhoff-Riley: Evansville Redevelopment Commission
Administrative Services
Human Relations

Councilman John Friend: Water/Sewer Utility Board
Computer Services
City Controller

Councilman Al Lindsey: Animal Control
City Cemeteries
Emergency Management Agency
City Engineering Department

Councilman Dan Adams: Fire Department
Water/Sewer Utility
Area Plan Commission

Councilman Jonathan Weaver: Parks and Recreation
Police Department
Central Dispatch

Councilman Conor O'Daniel: Environmental Protection Agency
Solid Waste
Parks and Recreation

Councilwoman Connie Robinson: Department of Metropolitan Development
Building Commission
City Controller
Department of Transportation and Services

CITY COUNCIL LIAISON'S TO CITY OFFICES

Councilman Dan McGinn: Fire Department
Mesker Park Zoo and Botanical Gardens

Councilwoman Missy Mosby: Police Department
Central Dispatch
City Garage

Councilwoman Stephanie Brinkerhoff-Riley: Evansville Redevelopment Commission
Administrative Services
Human Relations

Councilman John Friend: Water/Sewer Utility Board
Computer Services
City Controller

Councilman Al Lindsey: Animal Control
City Cemeteries
Emergency Management Agency
City Engineering Department

Councilman Dan Adams: Fire Department
Water/Sewer Utility
Area Plan Commission

Councilman Jonathan Weaver: Parks and Recreation
Police Department
Central Dispatch

Councilman Conor O'Daniel: Environmental Protection Agency
Solid Waste
Parks and Recreation

Councilwoman Connie Robinson: Department of Metropolitan Development
Building Commission
City Controller
Department of Transportation and Services